

# Union Calendar No. 18

118TH CONGRESS  
1ST SESSION

# H. R. 1335

[Report No. 118–28, Part I]

To restart onshore and offshore oil, gas, and coal leasing, streamline permitting for energy infrastructure, ensure transparency in energy development on Federal lands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2023

Mr. WESTERMAN (for himself, Mr. GRAVES of Louisiana, and Mr. STAUBER) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH 23, 2023

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

MARCH 23, 2023

Committees on Agriculture and the Budget discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on March 3, 2023]

# **A BILL**

To restart onshore and offshore oil, gas, and coal leasing, streamline permitting for energy infrastructure, ensure transparency in energy development on Federal lands, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Transparency, Accountability, Permitting, and Produc-*  
 6 *tion of American Resources Act” or the “TAPP American*  
 7 *Resources Act”.*

8        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 9 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—ONSHORE AND OFFSHORE LEASING AND OVERSIGHT*

- Sec. 101. Onshore oil and gas leasing.*
- Sec. 102. Lease reinstatement.*
- Sec. 103. Protested lease sales.*
- Sec. 104. Suspension of operations.*
- Sec. 105. Administrative protest process reform.*
- Sec. 106. Leasing and permitting transparency.*
- Sec. 107. Offshore oil and gas leasing.*
- Sec. 108. Five-year plan for offshore oil and gas leasing.*
- Sec. 109. Geothermal leasing.*
- Sec. 110. Leasing for certain qualified coal applications.*
- Sec. 111. Future coal leasing.*
- Sec. 112. Staff planning report.*
- Sec. 113. Prohibition on Chinese communist party ownership interest.*
- Sec. 114. Effect on other law.*

*TITLE II—PERMITTING STREAMLINING*

- Sec. 201. Definitions.*
- Sec. 202. BUILDER Act.*
- Sec. 203. Codification of National Environmental Policy Act regulations.*
- Sec. 204. Non-major Federal actions.*
- Sec. 205. No net loss determination for existing rights-of-way.*
- Sec. 206. Determination of National Environmental Policy Act adequacy.*
- Sec. 207. Determination regarding rights-of-way.*
- Sec. 208. Terms of rights-of-way.*
- Sec. 209. Funding to process permits and develop information technology.*
- Sec. 210. Offshore geological and geophysical survey licensing.*
- Sec. 211. Deferral of applications for permits to drill.*
- Sec. 212. Processing and terms of applications for permits to drill.*
- Sec. 213. Amendments to the Energy Policy Act of 2005.*
- Sec. 214. Access to Federal energy resources from non-Federal surface estate.*
- Sec. 215. Scope of environmental reviews for oil and gas leases.*

- Sec. 216. *Expediting approval of gathering lines.*  
 Sec. 217. *Lease sale litigation.*  
 Sec. 218. *Limitation on claims.*  
 Sec. 219. *Government Accountability Office report on permits to drill.*  
 Sec. 220. *E-NEPA.*

*TITLE III—PERMITTING FOR MINING NEEDS*

- Sec. 301. *Definitions.*  
 Sec. 302. *Minerals supply chain and reliability.*  
 Sec. 303. *Federal register process improvement.*  
 Sec. 304. *Designation of mining as a covered sector for Federal permitting improvement purposes.*  
 Sec. 305. *Treatment of actions under presidential determination 2022–11 for Federal permitting improvement purposes.*  
 Sec. 306. *Notice for mineral exploration activities with limited surface disturbance.*  
 Sec. 307. *Use of mining claims for ancillary activities.*  
 Sec. 308. *Ensuring consideration of uranium as a critical mineral.*  
 Sec. 309. *Barring foreign bad actors from operating on Federal lands.*

*TITLE IV—FEDERAL LAND USE PLANNING*

- Sec. 401. *Federal land use planning and withdrawals.*  
 Sec. 402. *Prohibitions on delay of mineral development of certain Federal land.*  
 Sec. 403. *Definitions.*

*TITLE V—ENSURING COMPETITIVENESS ON FEDERAL LANDS*

- Sec. 501. *Incentivizing domestic production.*

*TITLE VI—ENERGY REVENUE SHARING*

- Sec. 601. *Gulf of Mexico Outer Continental Shelf revenue.*  
 Sec. 602. *Parity in offshore wind revenue sharing.*  
 Sec. 603. *Elimination of administrative fee under the Mineral Leasing Act.*

1 **TITLE I—ONSHORE AND OFF-**  
 2 **SHORE LEASING AND OVER-**  
 3 **SIGHT**

4 **SEC. 101. ONSHORE OIL AND GAS LEASING.**

5 (a) *REQUIREMENT TO IMMEDIATELY RESUME ON-*  
 6 *SHORE OIL AND GAS LEASE SALES.—*

7 (1) *IN GENERAL.—The Secretary of the Interior*  
 8 *shall immediately resume quarterly onshore oil and*

1 *gas lease sales in compliance with the Mineral Leas-*  
2 *ing Act (30 U.S.C. 181 et seq.).*

3 (2) *REQUIREMENT.*—*The Secretary of the Inte-*  
4 *rior shall ensure—*

5 (A) *that any oil and gas lease sale pursuant*  
6 *to paragraph (1) is conducted immediately on*  
7 *completion of all applicable scoping, public com-*  
8 *ment, and environmental analysis requirements*  
9 *under the Mineral Leasing Act (30 U.S.C. 181 et*  
10 *seq.) and the National Environmental Policy Act*  
11 *of 1969 (42 U.S.C. 4321 et seq.); and*

12 (B) *that the processes described in subpara-*  
13 *graph (A) are conducted in a timely manner to*  
14 *ensure compliance with subsection (b)(1).*

15 (3) *LEASE OF OIL AND GAS LANDS.*—*Section*  
16 *17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C.*  
17 *226(b)(1)(A)) is amended by inserting “Eligible lands*  
18 *comprise all lands subject to leasing under this Act*  
19 *and not excluded from leasing by a statutory or regu-*  
20 *latory prohibition. Available lands are those lands*  
21 *that have been designated as open for leasing under*  
22 *a land use plan developed under section 202 of the*  
23 *Federal Land Policy and Management Act of 1976*  
24 *and that have been nominated for leasing through the*  
25 *submission of an expression of interest, are subject to*

1 *drainage in the absence of leasing, or are otherwise*  
2 *designated as available pursuant to regulations*  
3 *adopted by the Secretary.” after “sales are nec-*  
4 *essary.”.*

5 *(b) QUARTERLY LEASE SALES.—*

6 *(1) IN GENERAL.—In accordance with the Min-*  
7 *eral Leasing Act (30 U.S.C. 181 et seq.), each fiscal*  
8 *year, the Secretary of the Interior shall conduct a*  
9 *minimum of four oil and gas lease sales in each of*  
10 *the following States:*

11 *(A) Wyoming.*

12 *(B) New Mexico.*

13 *(C) Colorado.*

14 *(D) Utah.*

15 *(E) Montana.*

16 *(F) North Dakota.*

17 *(G) Oklahoma.*

18 *(H) Nevada.*

19 *(I) Alaska.*

20 *(J) Any other State in which there is land*  
21 *available for oil and gas leasing under the Min-*  
22 *eral Leasing Act (30 U.S.C. 181 et seq.) or any*  
23 *other mineral leasing law.*

24 *(2) REQUIREMENT.—In conducting a lease sale*  
25 *under paragraph (1) in a State described in that*

1        *paragraph, the Secretary of the Interior shall offer all*  
2        *parcels nominated and eligible pursuant to the re-*  
3        *quirements of the Mineral Leasing Act (30 U.S.C. 181*  
4        *et seq.) for oil and gas exploration, development, and*  
5        *production under the resource management plan in*  
6        *effect for the State.*

7                (3) *REPLACEMENT SALES.—The Secretary of the*  
8        *Interior shall conduct a replacement sale during the*  
9        *same fiscal year if—*

10                    (A) *a lease sale under paragraph (1) is can-*  
11                    *celed, delayed, or deferred, including for a lack*  
12                    *of eligible parcels; or*

13                    (B) *during a lease sale under paragraph (1)*  
14                    *the percentage of acreage that does not receive a*  
15                    *bid is equal to or greater than 25 percent of the*  
16                    *acreage offered.*

17                (4) *NOTICE REGARDING MISSED SALES.—Not*  
18        *later than 30 days after a sale required under this*  
19        *subsection is canceled, delayed, deferred, or otherwise*  
20        *missed the Secretary of the Interior shall submit to*  
21        *the Committee on Natural Resources of the House of*  
22        *Representatives and the Committee on Energy and*  
23        *Natural Resources of the Senate a report that states*  
24        *what sale was missed and why it was missed.*

1 **SEC. 102. LEASE REINSTATEMENT.**

2       *The reinstatement of a lease entered into under the*  
3 *Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geo-*  
4 *thermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by the*  
5 *Secretary shall be not considered a major Federal action*  
6 *under section 102(2)(C) of the National Environmental Pol-*  
7 *icy Act of 1969 (42 U.S.C. 4332(2)(C)).*

8 **SEC. 103. PROTESTED LEASE SALES.**

9       *Section 17(b)(1)(A) of the Mineral Leasing Act (30*  
10 *U.S.C. 226(b)(1)(A)) is amended by inserting “The Sec-*  
11 *retary shall resolve any protest to a lease sale not later than*  
12 *60 days after such payment.” after “annual rental for the*  
13 *first lease year.”.*

14 **SEC. 104. SUSPENSION OF OPERATIONS.**

15       *Section 17 of the Mineral Leasing Act (30 U.S.C. 226)*  
16 *is amended by adding at the end the following:*

17       “(r) *SUSPENSION OF OPERATIONS PERMITS.—In the*  
18 *event that an oil and gas lease owner has submitted an ex-*  
19 *pression of interest for adjacent acreage that is part of the*  
20 *nature of the geological play and has yet to be offered in*  
21 *a lease sale by the Secretary, they may request a suspension*  
22 *of operations from the Secretary of the Interior and upon*  
23 *request, the Secretary shall grant the suspension of oper-*  
24 *ations within 15 days. Any payment of acreage rental or*  
25 *of minimum royalty prescribed by such lease likewise shall*  
26 *be suspended during such period of suspension of operations*

1 *and production; and the term of such lease shall be extended*  
2 *by adding any such suspension period thereto.”.*

3 **SEC. 105. ADMINISTRATIVE PROTEST PROCESS REFORM.**

4 *Section 17 of the Mineral Leasing Act (30 U.S.C. 226)*  
5 *is further amended by adding at the end the following:*

6 *“(s) PROTEST FILING FEE.—*

7 *“(1) IN GENERAL.—Before processing any pro-*  
8 *test filed under this section, the Secretary shall collect*  
9 *a filing fee in the amount described in paragraph (2)*  
10 *from the protestor to recover the cost for processing*  
11 *documents filed for each administrative protest.*

12 *“(2) AMOUNT.—The amount described in this*  
13 *paragraph is calculated as follows:*

14 *“(A) For each protest filed in a submission*  
15 *not exceeding 10 pages in length, the base filing*  
16 *fee shall be \$150.*

17 *“(B) For each submission exceeding 10*  
18 *pages in length, in addition to the base filing fee,*  
19 *an assessment of \$5 per page in excess of 10*  
20 *pages shall apply.*

21 *“(C) For protests that include more than*  
22 *one oil and gas lease parcel, right-of-way, or ap-*  
23 *plication for permit to drill in a submission, an*  
24 *additional assessment of \$10 per additional lease*

1           *parcel, right-of-way, or application for permit to*  
2           *drill shall apply.*

3           “(3) *ADJUSTMENT.*—

4                   “(A) *IN GENERAL.*—*Beginning on January*  
5                   *1, 2024, and annually thereafter, the Secretary*  
6                   *shall adjust the filing fees established in this sub-*  
7                   *section to whole dollar amounts to reflect changes*  
8                   *in the Producer Price Index, as published by the*  
9                   *Bureau of Labor Statistics, for the previous 12*  
10                   *months.*

11                   “(B) *PUBLICATION OF ADJUSTED FILING*  
12                   *FEES.*—*At least 30 days before the filing fees as*  
13                   *adjusted under this paragraph take effect, the*  
14                   *Secretary shall publish notification of the adjust-*  
15                   *ment of such fees in the Federal Register.”.*

16 **SEC. 106. LEASING AND PERMITTING TRANSPARENCY.**

17           “(a) *REPORT.*—*Not later than 30 days after the date*  
18           *of the enactment of this section, and annually thereafter,*  
19           *the Secretary of the Interior shall submit to the Committee*  
20           *on Natural Resources of the House of Representatives and*  
21           *the Committee on Energy and Natural Resources of the Sen-*  
22           *ate a report that describes—*

23                   “(1) *the status of nominated parcels for future on-*  
24                   *shore oil and gas and geothermal lease sales, includ-*  
25                   *ing—*

1           (A) the number of expressions of interest re-  
2           ceived each month during the period of 365 days  
3           that ends on the date on which the report is sub-  
4           mitted with respect to which the Bureau of Land  
5           Management—

6                   (i) has not taken any action to review;

7                   (ii) has not completed review; or

8                   (iii) has completed review and deter-  
9                   mined that the relevant area meets all ap-  
10                  plicable requirements for leasing, but has  
11                  not offered the relevant area in a lease sale;

12           (B) how long expressions of interest de-  
13           scribed in subparagraph (A) have been pending;  
14           and

15           (C) a plan, including timelines, for how the  
16           Secretary of the Interior plans to—

17                   (i) work through future expressions of  
18                   interest to prevent delays;

19                   (ii) put expressions of interest de-  
20                   scribed in subparagraph (A) into a lease  
21                   sale; and

22                   (iii) complete review for expressions of  
23                   interest described in clauses (i) and (ii) of  
24                   subparagraph (A);

1           (2) *the status of each pending application for*  
2 *permit to drill received during the period of 365 days*  
3 *that ends on the date on which the report is sub-*  
4 *mitted, including the number of applications received*  
5 *each month, by each Bureau of Land Management of-*  
6 *fice, including—*

7           (A) *a description of the cause of delay for*  
8 *pending applications, including as a result of*  
9 *staffing shortages, technical limitations, incom-*  
10 *plete applications, and incomplete review pursu-*  
11 *ant to the National Environmental Policy Act of*  
12 *1969 (42 U.S.C. 4321 et seq.) or other applicable*  
13 *laws;*

14           (B) *the number of days an application has*  
15 *been pending in violation of section 17(p)(2) of*  
16 *the Mineral Leasing Act (30 U.S.C. 226(p)(2));*  
17 *and*

18           (C) *a plan for how the office intends to*  
19 *come into compliance with the requirements of*  
20 *section 17(p)(2) of the Mineral Leasing Act (30*  
21 *U.S.C. 226(p)(2));*

22           (3) *the number of permits to drill issued each*  
23 *month by each Bureau of Land Management office*  
24 *during the 5-year period ending on the date on which*  
25 *the report is submitted;*

1           (4) *the status of each pending application for a*  
2 *license for offshore geological and geophysical surveys*  
3 *received during the period of 365 days that ends on*  
4 *the date on which the report is submitted, including*  
5 *the number of applications received each month, by*  
6 *each Bureau of Ocean Energy management regional*  
7 *office, including—*

8           (A) *a description of any cause of delay for*  
9 *pending applications, including as a result of*  
10 *staffing shortages, technical limitations, incom-*  
11 *plete applications, and incomplete review pursu-*  
12 *ant to the National Environmental Policy Act of*  
13 *1969 (42 U.S.C. 4321 et seq.) or other applicable*  
14 *laws;*

15           (B) *the number of days an application has*  
16 *been pending; and*

17           (C) *a plan for how the Bureau of Ocean*  
18 *Energy Management intends to complete review*  
19 *of each application;*

20           (5) *the number of licenses for offshore geological*  
21 *and geophysical surveys issued each month by each*  
22 *Bureau of Ocean Energy Management regional office*  
23 *during the 5-year period ending on the date on which*  
24 *the report is submitted;*

1           (6) *the status of each pending application for a*  
2 *permit to drill received during the period of 365 days*  
3 *that ends on the date on which the report is sub-*  
4 *mitted, including the number of applications received*  
5 *each month, by each Bureau of Safety and Environ-*  
6 *mental Enforcement regional office, including—*

7           (A) *a description of any cause of delay for*  
8 *pending applications, including as a result of*  
9 *staffing shortages, technical limitations, incom-*  
10 *plete applications, and incomplete review pursu-*  
11 *ant to the National Environmental Policy Act of*  
12 *1969 (42 U.S.C. 4321 et seq.) or other applicable*  
13 *laws;*

14           (B) *the number of days an application has*  
15 *been pending; and*

16           (C) *steps the Bureau of Safety and Envi-*  
17 *ronmental Enforcement is taking to complete re-*  
18 *view of each application;*

19           (7) *the number of permits to drill issued each*  
20 *month by each Bureau of Safety and Environmental*  
21 *Enforcement regional office during the period of 365*  
22 *days that ends on the date on which the report is sub-*  
23 *mitted;*

24           (8) *how, as applicable, the Bureau of Land Man-*  
25 *agement, the Bureau of Ocean Energy Management,*

1        *and the Bureau of Safety and Environmental En-*  
2        *forcement determines whether to—*

3                *(A) issue a license for geological and geo-*  
4                *physical surveys;*

5                *(B) issue a permit to drill; and*

6                *(C) issue, extend, or suspend an oil and gas*  
7                *lease;*

8                *(9) when determinations described in paragraph*  
9                *(8) are sent to the national office of the Bureau of*  
10               *Land Management, the Bureau of Ocean Energy*  
11               *Management, or the Bureau of Safety and Environ-*  
12               *mental Enforcement for final approval;*

13               *(10) the degree to which Bureau of Land Man-*  
14               *agement, Bureau of Ocean Energy Management, and*  
15               *Bureau of Safety and Environmental Enforcement*  
16               *field, State, and regional offices exercise discretion on*  
17               *such final approval;*

18               *(11) during the period of 365 days that ends on*  
19               *the date on which the report is submitted, the number*  
20               *of auctioned leases receiving accepted bids that have*  
21               *not been issued to winning bidders and the number*  
22               *of days such leases have not been issued; and*

23               *(12) a description of the uses of application for*  
24               *permit to drill fees paid by permit holders during the*

1       5-year period ending on the date on which the report  
2       is submitted.

3       (b) *PENDING APPLICATIONS FOR PERMITS TO*  
4 *DRILL.*—Not later than 30 days after the date of the enact-  
5 ment of this section, the Secretary of the Interior shall—

6           (1) complete all requirements under the National  
7       *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*  
8       *seq.) and other applicable law that must be met before*  
9       *issuance of a permit to drill described in paragraph*  
10       *(2); and*

11           (2) issue a permit for all completed applications  
12       to drill that are pending on the date of the enactment  
13       of this Act.

14       (c) *PUBLIC AVAILABILITY OF DATA.*—

15           (1) *MINERAL LEASING ACT.*—Section 17 of the  
16       *Mineral Leasing Act (30 U.S.C. 226) is further*  
17       *amended by adding at the end the following:*

18       “(t) *PUBLIC AVAILABILITY OF DATA.*—

19           “(1) *EXPRESSIONS OF INTEREST.*—Not later  
20       than 30 days after the date of the enactment of this  
21       subsection, and each month thereafter, the Secretary  
22       shall publish on the website of the Department of the  
23       Interior the number of pending, approved, and not  
24       approved expressions of interest in nominated parcels

1       *for future onshore oil and gas lease sales in the pre-*  
2       *ceding month.*

3               “(2) *APPLICATIONS FOR PERMITS TO DRILL.—*  
4       *Not later than 30 days after the date of the enactment*  
5       *of this subsection, and each month thereafter, the Sec-*  
6       *retary shall publish on the website of the Department*  
7       *of the Interior the number of pending and approved*  
8       *applications for permits to drill in the preceding*  
9       *month in each State office.*

10              “(3) *PAST DATA.—Not later than 30 days after*  
11       *the date of the enactment of this subsection, the Sec-*  
12       *retary shall publish on the website of the Department*  
13       *of the Interior, with respect to each month during the*  
14       *5-year period ending on the date of the enactment of*  
15       *this subsection—*

16                      “(A) *the number of approved and not ap-*  
17                      *proved expressions of interest for onshore oil and*  
18                      *gas lease sales during such 5-year period; and*

19                      “(B) *the number of approved and not ap-*  
20                      *proved applications for permits to drill during*  
21                      *such 5-year period.”.*

22              “(2) *OUTER CONTINENTAL SHELF LANDS ACT.—*  
23       *Section 8 of the Outer Continental Shelf Lands Act*  
24       *(43 U.S.C. 1337) is amended by adding at the end the*  
25       *following:*

1       “(q) *PUBLIC AVAILABILITY OF DATA.*—

2               “(1) *OFFSHORE GEOLOGICAL AND GEOPHYSICAL*  
3       *SURVEY LICENSES.*—*Not later than 30 days after the*  
4       *date of the enactment of this subsection, and each*  
5       *month thereafter, the Secretary shall publish on the*  
6       *website of the Department of the Interior the number*  
7       *of pending and approved applications for licenses for*  
8       *offshore geological and geophysical surveys in the pre-*  
9       *ceding month.*

10              “(2) *APPLICATIONS FOR PERMITS TO DRILL.*—  
11       *Not later than 30 days after the date of the enactment*  
12       *of this subsection, and each month thereafter, the Sec-*  
13       *retary shall publish on the website of the Department*  
14       *of the Interior the number of pending and approved*  
15       *applications for permits to drill on the outer Conti-*  
16       *ental Shelf in the preceding month in each regional*  
17       *office.*

18              “(3) *PAST DATA.*—*Not later than 30 days after*  
19       *the date of the enactment of this subsection, the Sec-*  
20       *retary shall publish on the website of the Department*  
21       *of the Interior, with respect each month during the 5-*  
22       *year period ending on the date of the enactment of*  
23       *this subsection—*

1           “(A) the number of approved applications  
2           for licenses for offshore geological and geo-  
3           physical surveys; and

4           “(B) the number of approved applications  
5           for permits to drill on the outer Continental  
6           Shelf.”.

7           (d) *REQUIREMENT TO SUBMIT DOCUMENTS AND COM-*  
8 *MUNICATIONS.—*

9           (1) *IN GENERAL.—*Not later than 60 days after  
10          the date of the enactment of this section, the Secretary  
11          of the Interior shall submit to the Committee on En-  
12          ergy and Natural Resources of the Senate and the  
13          Committee on Natural Resources of the House of Rep-  
14          resentatives all documents and communications relat-  
15          ing to the comprehensive review of Federal oil and  
16          gas permitting and leasing practices required under  
17          section 208 of Executive Order 14008 (86 Fed. Reg.  
18          7624; relating to tackling the climate crisis at home  
19          and abroad).

20          (2) *INCLUSIONS.—*The submission under para-  
21          graph (1) shall include all documents and commu-  
22          nications submitted to the Secretary of the Interior by  
23          members of the public in response to any public meet-  
24          ing or forum relating to the comprehensive review de-  
25          scribed in that paragraph.

1 **SEC. 107. OFFSHORE OIL AND GAS LEASING.**

2 (a) *IN GENERAL.*—*The Secretary shall conduct all*  
3 *lease sales described in the 2017–2022 Outer Continental*  
4 *Shelf Oil and Gas Leasing Proposed Final Program (No-*  
5 *vember 2016) that have not been conducted as of the date*  
6 *of the enactment of this Act by not later than September*  
7 *30, 2023.*

8 (b) *GULF OF MEXICO REGION ANNUAL LEASE*  
9 *SALES.*—*Notwithstanding any other provision of law, and*  
10 *except within areas subject to existing oil and gas leasing*  
11 *moratoria beginning in fiscal year 2023, the Secretary of*  
12 *the Interior shall annually conduct a minimum of 2 region-*  
13 *wide oil and gas lease sales in the following planning areas*  
14 *of the Gulf of Mexico region, as described in the 2017–2022*  
15 *Outer Continental Shelf Oil and Gas Leasing Proposed*  
16 *Final Program (November 2016):*

17 (1) *The Central Gulf of Mexico Planning Area.*

18 (2) *The Western Gulf of Mexico Planning Area.*

19 (c) *ALASKA REGION ANNUAL LEASE SALES.*—*Not-*  
20 *withstanding any other provision of law, beginning in fis-*  
21 *cal year 2023, the Secretary of the Interior shall annually*  
22 *conduct a minimum of 2 region-wide oil and gas lease sales*  
23 *in the Alaska region of the Outer Continental Shelf, as de-*  
24 *scribed in the 2017–2022 Outer Continental Shelf Oil and*  
25 *Gas Leasing Proposed Final Program (November 2016).*

1           (d) *REQUIREMENTS.*—*In conducting lease sales under*  
2 *subsections (b) and (c), the Secretary of the Interior shall—*

3           (1) *issue such leases in accordance with the*  
4 *Outer Continental Shelf Lands Act (43 U.S.C. 1332*  
5 *et seq.); and*

6           (2) *include in each such lease sale all unleased*  
7 *areas that are not subject to a moratorium as of the*  
8 *date of the lease sale.*

9 **SEC. 108. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS**  
10 **LEASING.**

11           *Section 18 of the Outer Continental Shelf Lands Act*  
12 *(43 U.S.C. 1344) is amended—*

13           (1) *in subsection (a)—*

14           (A) *by striking “subsections (c) and (d) of*  
15 *this section, shall prepare and periodically re-*  
16 *visе,” and inserting “this section, shall issue*  
17 *every five years”;*

18           (B) *by adding at the end the following:*

19           “(5) *Each five-year program shall include at*  
20 *least two Gulf of Mexico region-wide lease sales per*  
21 *year.”; and*

22           (C) *in paragraph (3), by inserting “domes-*  
23 *tic energy security,” after “between”;*

24           (2) *by redesignating subsections (f) through (i)*  
25 *as subsections (h) through (k), respectively; and*

1           (3) by inserting after subsection (e) the following:

2           “(f) *FIVE-YEAR PROGRAM FOR 2023–2028.*—The Sec-  
3   retary shall issue the five-year oil and gas leasing program  
4   for 2023 through 2028 and issue the Record of Decision on  
5   the Final Programmatic Environmental Impact Statement  
6   by not later than July 1, 2023.

7           “(g) *SUBSEQUENT LEASING PROGRAMS.*—

8           “(1) *IN GENERAL.*—Not later than 36 months  
9   after conducting the first lease sale under an oil and  
10   gas leasing program prepared pursuant to this sec-  
11   tion, the Secretary shall begin preparing the subse-  
12   quent oil and gas leasing program under this section.

13           “(2) *REQUIREMENT.*—Each subsequent oil and  
14   gas leasing program under this section shall be ap-  
15   proved by not later than 180 days before the expira-  
16   tion of the previous oil and gas leasing program.”.

17   **SEC. 109. GEOTHERMAL LEASING.**

18           (a) *ANNUAL LEASING.*—Section 4(b) of the Geothermal  
19   Steam Act of 1970 (30 U.S.C. 1003(b)) is amended—

20           (1) in paragraph (2), by striking “2 years” and  
21   inserting “year”;

22           (2) by redesignating paragraphs (3) and (4) as  
23   paragraphs (5) and (6), respectively; and

24           (3) after paragraph (2), by inserting the fol-  
25   lowing:

1           “(3) *REPLACEMENT SALES.*—If a lease sale  
2           under paragraph (1) for a year is canceled or de-  
3           layed, the Secretary of the Interior shall conduct a re-  
4           placement sale during the same year.

5           “(4) *REQUIREMENT.*—In conducting a lease sale  
6           under paragraph (2) in a State described in that  
7           paragraph, the Secretary of the Interior shall offer all  
8           nominated parcels eligible for geothermal development  
9           and utilization under the resource management plan  
10          in effect for the State.”.

11          (b) *DEADLINES FOR CONSIDERATION OF GEOTHERMAL*  
12 *DRILLING PERMITS.*—Section 4 of the Geothermal Steam  
13 Act of 1970 (30 U.S.C. 1003) is amended by adding at the  
14 end the following:

15          “(h) *DEADLINES FOR CONSIDERATION OF GEO-*  
16 *THERMAL DRILLING PERMITS.*—

17                 “(1) *NOTICE.*—Not later than 30 days after the  
18                 date on which the Secretary receives an application  
19                 for any geothermal drilling permit, the Secretary  
20                 shall—

21                         “(A) provide written notice to the applicant  
22                         that the application is complete; or

23                         “(B) notify the applicant that information  
24                         is missing and specify any information that is

1           *required to be submitted for the application to be*  
2           *complete.*

3           “(2) *ISSUANCE OF DECISION.*—*If the Secretary*  
4           *determines that an application for a geothermal drill-*  
5           *ing permit is complete under paragraph (1)(A), the*  
6           *Secretary shall issue a final decision on the applica-*  
7           *tion not later than 30 days after the Secretary noti-*  
8           *fies the applicant that the application is complete.”.*

9   **SEC. 110. LEASING FOR CERTAIN QUALIFIED COAL APPLI-**  
10           **CATIONS.**

11           *(a) DEFINITIONS.*—*In this section:*

12                   (1) *COAL LEASE.*—*The term “coal lease” means*  
13           *a lease entered into by the United States as lessor,*  
14           *through the Bureau of Land Management, and the*  
15           *applicant on Bureau of Land Management Form*  
16           *3400–012.*

17                   (2) *QUALIFIED APPLICATION.*—*The term “quali-*  
18           *fied application” means any application pending*  
19           *under the lease by application program administered*  
20           *by the Bureau of Land Management pursuant to the*  
21           *Mineral Leasing Act (30 U.S.C. 181 et seq.) and sub-*  
22           *part 3425 of title 43, Code of Federal Regulations (as*  
23           *in effect on the date of the enactment of this Act), for*  
24           *which the environmental review process under the Na-*

1        *tional Environmental Policy Act of 1969 (42 U.S.C.*  
2        *4321 et seq.) has commenced.*

3        *(b) MANDATORY LEASING AND OTHER REQUIRED AP-*  
4        *PROVALS.—As soon as practicable after the date of the en-*  
5        *actment of this Act, the Secretary shall promptly—*

6            *(1) with respect to each qualified application—*

7                    *(A) if not previously published for public*  
8                    *comment, publish a draft environmental assess-*  
9                    *ment, as required under the National Environ-*  
10                   *mental Policy Act of 1969 (42 U.S.C. 4321 et*  
11                   *seq.) and any applicable implementing regula-*  
12                   *tions;*

13                   *(B) finalize the fair market value of the coal*  
14                   *tract for which a lease by application is pend-*  
15                   *ing;*

16                   *(C) take all intermediate actions necessary*  
17                   *to grant the qualified application; and*

18                   *(D) grant the qualified application; and*

19            *(2) with respect to previously awarded coal*  
20        *leases, grant any additional approvals of the Depart-*  
21        *ment of the Interior or any bureau, agency, or divi-*  
22        *sion of the Department of the Interior required for*  
23        *mining activities to commence.*

1 **SEC. 111. FUTURE COAL LEASING.**

2 *Notwithstanding any judicial decision to the contrary*  
3 *or a departmental review of the Federal coal leasing pro-*  
4 *gram, Secretarial Order 3338, issued by the Secretary of*  
5 *the Interior on January 15, 2016, shall have no force or*  
6 *effect.*

7 **SEC. 112. STAFF PLANNING REPORT.**

8 *The Secretary of the Interior and the Secretary of Ag-*  
9 *riculture shall each annually submit to the Committee on*  
10 *Natural Resources of the House of Representatives and the*  
11 *Committee on Energy and Natural Resources of the Senate*  
12 *a report on the staffing capacity of each respective agency*  
13 *with respect to issuing oil, gas, hardrock mining, coal, and*  
14 *renewable energy leases, rights-of-way, claims, easements,*  
15 *and permits. Each such report shall include—*

16 *(1) the number of staff assigned to process and*  
17 *issue oil, gas, hardrock mining, coal, and renewable*  
18 *energy leases, rights-of-way, claims, easements, and*  
19 *permits;*

20 *(2) a description of how many staff are needed*  
21 *to meet statutory requirements for such oil, gas,*  
22 *hardrock mining, coal, and renewable energy leases,*  
23 *rights-of-way, claims, easements, and permits; and*

24 *(3) how, as applicable, the Department of the In-*  
25 *terior or the Department of Agriculture plans to ad-*  
26 *dress staffing shortfalls and turnover to ensure ade-*



1     *Leasing Disposition” and dated December 20, 2016;*  
2     *or*

3             *(4) the ban on oil and gas development in the*  
4     *Great Lakes described in section 386 of the Energy*  
5     *Policy Act of 2005 (42 U.S.C. 15941).*

6                     **TITLE II—PERMITTING**  
7                     **STREAMLINING**

8     **SEC. 201. DEFINITIONS.**

9     *In this title:*

10             *(1) ENERGY FACILITY.—The term “energy facil-*  
11     *ity” means a facility the primary purpose of which*  
12     *is the exploration for, or the development, production,*  
13     *conversion, gathering, storage, transfer, processing, or*  
14     *transportation of, any energy resource.*

15             *(2) ENERGY STORAGE DEVICE.—The term “en-*  
16     *ergy storage device”—*

17             *(A) means any equipment that stores en-*  
18     *ergy, including electricity, compressed air,*  
19     *pumped water, heat, and hydrogen, which may*  
20     *be converted into, or used to produce, electricity;*  
21     *and*

22             *(B) includes a battery, regenerative fuel cell,*  
23     *flywheel, capacitor, superconducting magnet, and*  
24     *any other equipment the Secretary concerned de-*

1           *termines may be used to store energy which may*  
2           *be converted into, or used to produce, electricity.*

3           (3) *PUBLIC LANDS.*—*The term “public lands”*  
4           *means any land and interest in land owned by the*  
5           *United States within the several States and adminis-*  
6           *tered by the Secretary of the Interior or the Secretary*  
7           *of Agriculture without regard to how the United*  
8           *States acquired ownership, except—*

9                     (A) *lands located on the Outer Continental*  
10                    *Shelf; and*

11                   (B) *lands held in trust by the United States*  
12                    *for the benefit of Indians, Indian Tribes, Aleuts,*  
13                    *and Eskimos.*

14           (4) *RIGHT-OF-WAY.*—*The term “right-of-way”*  
15           *means—*

16                    (A) *a right-of-way issued, granted, or re-*  
17                    *newed under section 501 of the Federal Land*  
18                    *Policy and Management Act of 1976 (43 U.S.C.*  
19                    *1761); or*

20                    (B) *a right-of-way granted under section 28*  
21                    *of the Mineral Leasing Act (30 U.S.C. 185).*

22           (5) *SECRETARY CONCERNED.*—*The term “Sec-*  
23           *retary concerned” means—*

24                    (A) *with respect to public lands, the Sec-*  
25                    *retary of the Interior; and*

1                   (B) with respect to National Forest System  
2                   lands, the Secretary of Agriculture.

3                   (6) *LAND USE PLAN*.—The term “land use plan”  
4                   means—

5                   (A) a land and resource management plan  
6                   prepared by the Forest Service for a unit of the  
7                   National Forest System pursuant to section 6 of  
8                   the Forest and Rangeland Renewable Resources  
9                   Planning Act of 1974 (16 U.S.C. 1604);

10                  (B) a Land Management Plan developed by  
11                  the Bureau of Land Management under the Fed-  
12                  eral Land Policy and Management Act of 1976  
13                  (43 U.S.C. 1701 et seq.); or

14                  (C) a comprehensive conservation plan de-  
15                  veloped by the United States Fish and Wildlife  
16                  Service under section 4(e)(1)(A) of the National  
17                  Wildlife Refuge System Administration Act of  
18                  1966 (16 U.S.C. 668dd(e)(1)(A)).

19 **SEC. 202. BUILDER ACT.**

20                  (a) *PARAGRAPH (2) OF SECTION 102*.—Section 102(2)  
21                  of the National Environmental Policy Act of 1969 (42  
22                  U.S.C. 4332(2)) is amended—

23                  (1) in subparagraph (A), by striking “insure”  
24                  and inserting “ensure”;

1           (2) *in subparagraph (B), by striking “insure”*  
2           *and inserting “ensure”;*

3           (3) *in subparagraph (C)—*

4                 (A) *by inserting “consistent with the provi-*  
5                 *sions of this Act and except as provided by other*  
6                 *provisions of law,” before “include in every”;*

7                 (B) *by striking clauses (i) through (v) and*  
8                 *inserting the following:*

9                     “(i) *reasonably foreseeable environmental ef-*  
10                    *fects with a reasonably close causal relationship*  
11                    *to the proposed agency action;*

12                   “(ii) *any reasonably foreseeable adverse en-*  
13                    *vironmental effects which cannot be avoided*  
14                    *should the proposal be implemented;*

15                   “(iii) *a reasonable number of alternatives to*  
16                    *the proposed agency action, including an anal-*  
17                    *ysis of any negative environmental impacts of*  
18                    *not implementing the proposed agency action in*  
19                    *the case of a no action alternative, that are tech-*  
20                    *nically and economically feasible, are within the*  
21                    *jurisdiction of the agency, meet the purpose and*  
22                    *need of the proposal, and, where applicable, meet*  
23                    *the goals of the applicant;*

24                   “(iv) *the relationship between local short-*  
25                    *term uses of man’s environment and the mainte-*

1            *nance and enhancement of long-term produc-*  
2            *tivity; and*

3            *“(v) any irreversible and irretrievable com-*  
4            *mitments of Federal resources which would be*  
5            *involved in the proposed agency action should it*  
6            *be implemented.”; and*

7            *(C) by striking “the responsible Federal offi-*  
8            *cial” and inserting “the head of the lead agen-*  
9            *cy”;*

10           *(4) in subparagraph (D), by striking “Any” and*  
11           *inserting “any”;*

12           *(5) by redesignating subparagraphs (D) through*  
13           *(I) as subparagraphs (F) through (K), respectively;*

14           *(6) by inserting after subparagraph (C) the fol-*  
15           *lowing:*

16           *“(D) ensure the professional integrity, including*  
17           *scientific integrity, of the discussion and analysis in*  
18           *an environmental document;*

19           *“(E) make use of reliable existing data and re-*  
20           *sources in carrying out this Act;”;*

21           *(7) by amending subparagraph (G), as redesign-*  
22           *ated, to read as follows:*

23           *“(G) consistent with the provisions of this Act,*  
24           *study, develop, and describe technically and economi-*

1 *cally feasible alternatives within the jurisdiction and*  
2 *authority of the agency;”*; and

3 *(8) in subparagraph (H), as amended, by insert-*  
4 *ing “consistent with the provisions of this Act,” before*  
5 *“recognize”.*

6 *(b) NEW SECTIONS.—Title I of the National Environ-*  
7 *mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is*  
8 *amended by adding at the end the following:*

9 **“SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF**  
10 **REVIEW.**

11 *“(a) THRESHOLD DETERMINATIONS.—An agency is*  
12 *not required to prepare an environmental document with*  
13 *respect to a proposed agency action if—*

14 *“(1) the proposed agency action is not a final*  
15 *agency action within the meaning of such term in*  
16 *chapter 5 of title 5, United States Code;*

17 *“(2) the proposed agency action is covered by a*  
18 *categorical exclusion established by the agency, an-*  
19 *other Federal agency, or another provision of law;*

20 *“(3) the preparation of such document would*  
21 *clearly and fundamentally conflict with the require-*  
22 *ments of another provision of law;*

23 *“(4) the proposed agency action is, in whole or*  
24 *in part, a nondiscretionary action with respect to*  
25 *which such agency does not have authority to take en-*

1 *vironmental factors into consideration in determining*  
2 *whether to take the proposed action;*

3 *“(5) the proposed agency action is a rulemaking*  
4 *that is subject to section 553 of title 5, United States*  
5 *Code; or*

6 *“(6) the proposed agency action is an action for*  
7 *which such agency’s compliance with another statute’s*  
8 *requirements serve the same or similar function as the*  
9 *requirements of this Act with respect to such action.*

10 *“(b) LEVELS OF REVIEW.—*

11 *“(1) ENVIRONMENTAL IMPACT STATEMENT.—An*  
12 *agency shall issue an environmental impact statement*  
13 *with respect to a proposed agency action that has a*  
14 *significant effect on the quality of the human environ-*  
15 *ment.*

16 *“(2) ENVIRONMENTAL ASSESSMENT.—An agency*  
17 *shall prepare an environmental assessment with re-*  
18 *spect to a proposed agency action that is not likely*  
19 *to have a significant effect on the quality of the*  
20 *human environment, or if the significance of such ef-*  
21 *fect is unknown, unless the agency finds that a cat-*  
22 *egorical exclusion established by the agency, another*  
23 *Federal agency, or another provision of law applies.*  
24 *Such environmental assessment shall be a concise*  
25 *public document prepared by a Federal agency to set*

1       *forth the basis of such agency's finding of no signifi-*  
2       *cant impact.*

3               “(3) *SOURCES OF INFORMATION.*—*In making a*  
4       *determination under this subsection, an agency—*

5                       “(A) *may make use of any reliable data*  
6       *source; and*

7                       “(B) *is not required to undertake new sci-*  
8       *entific or technical research.*

9       **“SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.**

10               “(a) *LEAD AGENCY.*—

11                       “(1) *DESIGNATION.*—

12                               “(A) *IN GENERAL.*—*If there are two or*  
13       *more involved Federal agencies, such agencies*  
14       *shall determine, by letter or memorandum, which*  
15       *agency shall be the lead agency based on consid-*  
16       *eration of the following factors:*

17                                       “(i) *Magnitude of agency's involve-*  
18       *ment.*

19                                       “(ii) *Project approval or disapproval*  
20       *authority.*

21                                       “(iii) *Expertise concerning the action's*  
22       *environmental effects.*

23                                       “(iv) *Duration of agency's involve-*  
24       *ment.*

25                                       “(v) *Sequence of agency's involvement.*

1           “(B) *JOINT LEAD AGENCIES.*—*In making a*  
2           *determination under subparagraph (A), the in-*  
3           *involved Federal agencies may, in addition to a*  
4           *Federal agency, appoint such Federal, State,*  
5           *Tribal, or local agencies as joint lead agencies as*  
6           *the involved Federal agencies shall determine ap-*  
7           *propriate. Joint lead agencies shall jointly fulfill*  
8           *the role described in paragraph (2).*

9           “(C) *MINERAL PROJECTS.*—*This paragraph*  
10           *shall not apply with respect to a mineral explo-*  
11           *ration or mine permit.*

12           “(2) *ROLE.*—*A lead agency shall, with respect to*  
13           *a proposed agency action—*

14           “(A) *supervise the preparation of an envi-*  
15           *ronmental document if, with respect to such pro-*  
16           *posed agency action, there is more than one in-*  
17           *involved Federal agency;*

18           “(B) *request the participation of each co-*  
19           *operating agency at the earliest practicable time;*

20           “(C) *in preparing an environmental docu-*  
21           *ment, give consideration to any analysis or pro-*  
22           *posal created by a cooperating agency with juris-*  
23           *diction by law or a cooperating agency with spe-*  
24           *cial expertise;*

1           “(D) develop a schedule, in consultation  
2           with each involved cooperating agency, the ap-  
3           plicant, and such other entities as the lead agen-  
4           cy determines appropriate, for completion of any  
5           environmental review, permit, or authorization  
6           required to carry out the proposed agency action;

7           “(E) if the lead agency determines that a  
8           review, permit, or authorization will not be com-  
9           pleted in accordance with the schedule developed  
10          under subparagraph (D), notify the agency re-  
11          sponsible for issuing such review, permit, or au-  
12          thorization of the discrepancy and request that  
13          such agency take such measures as such agency  
14          determines appropriate to comply with such  
15          schedule; and

16          “(F) meet with a cooperating agency that  
17          requests such a meeting.

18          “(3) COOPERATING AGENCY.—The lead agency  
19          may, with respect to a proposed agency action, des-  
20          ignate any involved Federal agency or a State, Trib-  
21          al, or local agency as a cooperating agency. A cooper-  
22          ating agency may, not later than a date specified by  
23          the lead agency, submit comments to the lead agency.  
24          Such comments shall be limited to matters relating to  
25          the proposed agency action with respect to which such

1       *agency has special expertise or jurisdiction by law*  
2       *with respect to an environmental issue.*

3               “(4) *REQUEST FOR DESIGNATION.*—*Any Federal,*  
4       *State, Tribal, or local agency or person that is sub-*  
5       *stantially affected by the lack of a designation of a*  
6       *lead agency with respect to a proposed agency action*  
7       *under paragraph (1) may submit a written request*  
8       *for such a designation to an involved Federal agency.*  
9       *An agency that receives a request under this para-*  
10       *graph shall transmit such request to each involved*  
11       *Federal agency and to the Council.*

12               “(5) *COUNCIL DESIGNATION.*—

13               “(A) *REQUEST.*—*Not earlier than 45 days*  
14       *after the date on which a request is submitted*  
15       *under paragraph (4), if no designation has been*  
16       *made under paragraph (1), a Federal, State,*  
17       *Tribal, or local agency or person that is substan-*  
18       *tially affected by the lack of a designation of a*  
19       *lead agency may request that the Council des-*  
20       *ignate a lead agency. Such request shall consist*  
21       *of—*

22               “(i) *a precise description of the nature*  
23       *and extent of the proposed agency action;*  
24       *and*

1                   “(ii) a detailed statement with respect  
2                   to each involved Federal agency and each  
3                   factor listed in paragraph (1) regarding  
4                   which agency should serve as lead agency.

5                   “(B) TRANSMISSION.—The Council shall  
6                   transmit a request received under subparagraph  
7                   (A) to each involved Federal agency.

8                   “(C) RESPONSE.—An involved Federal  
9                   agency may, not later than 20 days after the  
10                  date of the submission of a request under sub-  
11                  paragraph (A), submit to the Council a response  
12                  to such request.

13                  “(D) DESIGNATION.—Not later than 40  
14                  days after the date of the submission of a request  
15                  under subparagraph (A), the Council shall des-  
16                  ignate the lead agency with respect to the rel-  
17                  evant proposed agency action.

18                  “(b) ONE DOCUMENT.—

19                  “(1) DOCUMENT.—To the extent practicable, if  
20                  there are 2 or more involved Federal agencies with re-  
21                  spect to a proposed agency action and the lead agency  
22                  has determined that an environmental document is  
23                  required, such requirement shall be deemed satisfied  
24                  with respect to all involved Federal agencies if the  
25                  lead agency issues such an environmental document.

1           “(2) *CONSIDERATION TIMING.*—*In developing an*  
2           *environmental document for a proposed agency ac-*  
3           *tion, no involved Federal agency shall be required to*  
4           *consider any information that becomes available after*  
5           *the sooner of, as applicable—*

6                     “(A) *receipt of a complete application with*  
7                     *respect to such proposed agency action; or*

8                     “(B) *publication of a notice of intent or de-*  
9                     *cision to prepare an environmental impact state-*  
10                    *ment for such proposed agency action.*

11           “(3) *SCOPE OF REVIEW.*—*In developing an envi-*  
12           *ronmental document for a proposed agency action, the*  
13           *lead agency and any other involved Federal agencies*  
14           *shall only consider the effects of the proposed agency*  
15           *action that—*

16                     “(A) *occur on Federal land; or*

17                     “(B) *are subject to Federal control and re-*  
18                     *sponsibility.*

19           “(c) *REQUEST FOR PUBLIC COMMENT.*—*Each notice*  
20           *of intent to prepare an environmental impact statement*  
21           *under section 102 shall include a request for public com-*  
22           *ment on alternatives or impacts and on relevant informa-*  
23           *tion, studies, or analyses with respect to the proposed agen-*  
24           *cy action.*

1           “(d) *STATEMENT OF PURPOSE AND NEED.*—Each en-  
2   *vironmental impact statement shall include a statement of*  
3   *purpose and need that briefly summarizes the underlying*  
4   *purpose and need for the proposed agency action.*

5           “(e) *ESTIMATED TOTAL COST.*—The cover sheet for  
6   *each environmental impact statement shall include a state-*  
7   *ment of the estimated total cost of preparing such environ-*  
8   *mental impact statement, including the costs of agency full-*  
9   *time equivalent personnel hours, contractor costs, and other*  
10   *direct costs.*

11          “(f) *PAGE LIMITS.*—

12           “(1) *ENVIRONMENTAL IMPACT STATEMENTS.*—

13           “(A) *IN GENERAL.*—Except as provided in  
14   *subparagraph (B), an environmental impact*  
15   *statement shall not exceed 150 pages, not includ-*  
16   *ing any citations or appendices.*

17           “(B) *EXTRAORDINARY COMPLEXITY.*—An  
18   *environmental impact statement for a proposed*  
19   *agency action of extraordinary complexity shall*  
20   *not exceed 300 pages, not including any cita-*  
21   *tions or appendices.*

22           “(2) *ENVIRONMENTAL ASSESSMENTS.*—An envi-  
23   *ronmental assessment shall not exceed 75 pages, not*  
24   *including any citations or appendices.*

1       “(g) *SPONSOR PREPARATION.*—A lead agency shall  
2 allow a project sponsor to prepare an environmental assess-  
3 ment or an environmental impact statement upon request  
4 of the project sponsor. Such agency may provide such spon-  
5 sor with appropriate guidance and assist in the prepara-  
6 tion. The lead agency shall independently evaluate the envi-  
7 ronmental document and shall take responsibility for the  
8 contents upon adoption.

9       “(h) *DEADLINES.*—

10           “(1) *IN GENERAL.*—Except as provided in para-  
11 graph (2), with respect to a proposed agency action,  
12 a lead agency shall complete, as applicable—

13           “(A) the environmental impact statement  
14 not later than the date that is 2 years after the  
15 sooner of, as applicable—

16           “(i) the date on which such agency de-  
17 termines that section 102(2)(C) requires the  
18 issuance of an environmental impact state-  
19 ment with respect to such action;

20           “(ii) the date on which such agency no-  
21 tifies the applicant that the application to  
22 establish a right-of-way for such action is  
23 complete; and

24           “(iii) the date on which such agency  
25 issues a notice of intent to prepare the envi-

1            *ronmental impact statement for such action;*

2            *and*

3            *“(B) the environmental assessment not later*  
4 *than the date that is 1 year after the sooner of,*  
5 *as applicable—*

6            *“(i) the date on which such agency de-*  
7 *termines that section 106(b)(2) requires the*  
8 *preparation of an environmental assessment*  
9 *with respect to such action;*

10           *“(ii) the date on which such agency no-*  
11 *tifies the applicant that the application to*  
12 *establish a right-of-way for such action is*  
13 *complete; and*

14           *“(iii) the date on which such agency*  
15 *issues a notice of intent to prepare the envi-*  
16 *ronmental assessment for such action.*

17           *“(2) DELAY.—A lead agency that determines it*  
18 *is not able to meet the deadline described in para-*  
19 *graph (1) may extend such deadline with the ap-*  
20 *proval of the applicant. If the applicant approves*  
21 *such an extension, the lead agency shall establish a*  
22 *new deadline that provides only so much additional*  
23 *time as is necessary to complete such environmental*  
24 *impact statement or environmental assessment.*

1           “(3) *EXPENDITURES FOR DELAY.*—If a lead  
2           agency is unable to meet the deadline described in  
3           paragraph (1) or extended under paragraph (2), the  
4           lead agency must pay \$100 per day, to the extent  
5           funding is provided in advance in an appropriations  
6           Act, out of the office of the head of the department of  
7           the lead agency to the applicant starting on the first  
8           day immediately following the deadline described in  
9           paragraph (1) or extended under paragraph (2) up  
10          until the date that an applicant approves a new  
11          deadline. This paragraph does not apply when the  
12          lead agency misses a deadline solely due to delays  
13          caused by litigation.

14          “(i) *REPORT.*—

15                 “(1) *IN GENERAL.*—The head of each lead agency  
16                 shall annually submit to the Committee on Natural  
17                 Resources of the House of Representatives and the  
18                 Committee on Environment and Public Works of the  
19                 Senate a report that—

20                         “(A) identifies any environmental assess-  
21                         ment and environmental impact statement that  
22                         such lead agency did not complete by the dead-  
23                         line described in subsection (h); and

24                         “(B) provides an explanation for any fail-  
25                         ure to meet such deadline.

1           “(2) *INCLUSIONS.*—*Each report submitted under*  
2           *paragraph (1) shall identify, as applicable—*

3                   “(A) *the office, bureau, division, unit, or*  
4                   *other entity within the Federal agency respon-*  
5                   *sible for each such environmental assessment and*  
6                   *environmental impact statement;*

7                   “(B) *the date on which—*

8                           “(i) *such lead agency notified the ap-*  
9                           *plicant that the application to establish a*  
10                           *right-of-way for the major Federal action is*  
11                           *complete;*

12                           “(ii) *such lead agency began the*  
13                           *scoping for the major Federal action; or*

14                           “(iii) *such lead agency issued a notice*  
15                           *of intent to prepare the environmental as-*  
16                           *essment or environmental impact statement*  
17                           *for the major Federal action; and*

18                   “(C) *when such environmental assessment*  
19                   *and environmental impact statement is expected*  
20                   *to be complete.*

21   **“SEC. 108. JUDICIAL REVIEW.**

22           “(a) *LIMITATIONS ON CLAIMS.*—*Notwithstanding any*  
23           *other provision of law, a claim arising under Federal law*  
24           *seeking judicial review of compliance with this Act, of a*  
25           *determination made under this Act, or of Federal action*

1 *resulting from a determination made under this Act, shall*  
2 *be barred unless—*

3           “(1) *in the case of a claim pertaining to a pro-*  
4 *posed agency action for which—*

5                   “(A) *an environmental document was pre-*  
6 *pared and an opportunity for comment was pro-*  
7 *vided;*

8                   “(B) *the claim is filed by a party that par-*  
9 *ticipated in the administrative proceedings re-*  
10 *garding such environmental document; and*

11                   “(C) *the claim—*

12                           “(i) *is filed by a party that submitted*  
13 *a comment during the public comment pe-*  
14 *riod for such administrative proceedings*  
15 *and such comment was sufficiently detailed*  
16 *to put the lead agency on notice of the issue*  
17 *upon which the party seeks judicial review;*  
18 *and*

19                           “(ii) *is related to such comment;*

20           “(2) *except as provided in subsection (b), such*  
21 *claim is filed not later than 120 days after the date*  
22 *of publication of a notice in the Federal Register of*  
23 *agency intent to carry out the proposed agency ac-*  
24 *tion;*

1           “(3) such claim is filed after the issuance of a  
2           record of decision or other final agency action with  
3           respect to the relevant proposed agency action;

4           “(4) such claim does not challenge the establish-  
5           ment or use of a categorical exclusion under section  
6           102; and

7           “(5) such claim concerns—

8                   “(A) an alternative included in the environ-  
9                   mental document; or

10                   “(B) an environmental effect considered in  
11                   the environmental document.

12           “(b) *SUPPLEMENTAL ENVIRONMENTAL IMPACT STATE-*  
13           *MENT.—*

14                   “(1) *SEPARATE FINAL AGENCY ACTION.—The*  
15                   *issuance of a Federal action resulting from a final*  
16                   *supplemental environmental impact statement shall*  
17                   *be considered a final agency action for the purposes*  
18                   *of chapter 5 of title 5, United States Code, separate*  
19                   *from the issuance of any previous environmental im-*  
20                   *part statement with respect to the same proposed*  
21                   *agency action.*

22                   “(2) *DEADLINE FOR FILING A CLAIM.—A claim*  
23                   *seeking judicial review of a Federal action resulting*  
24                   *from a final supplemental environmental review*

1       *issued under section 102(2)(C) shall be barred un-*  
2       *less—*

3               “(A) *such claim is filed within 120 days of*  
4               *the date on which a notice of the Federal agency*  
5               *action resulting from a final supplemental envi-*  
6               *ronmental impact statement is issued; and*

7               “(B) *such claim is based on information*  
8               *contained in such supplemental environmental*  
9               *impact statement that was not contained in a*  
10              *previous environmental document pertaining to*  
11              *the same proposed agency action.*

12       “(c) *PROHIBITION ON INJUNCTIVE RELIEF.—Notwith-*  
13       *standing any other provision of law, a violation of this Act*  
14       *shall not constitute the basis for injunctive relief.*

15       “(d) *RULE OF CONSTRUCTION.—Nothing in this sec-*  
16       *tion shall be construed to create a right of judicial review*  
17       *or place any limit on filing a claim with respect to the*  
18       *violation of the terms of a permit, license, or approval.*

19       “(e) *REMAND.—Notwithstanding any other provision*  
20       *of law, no proposed agency action for which an environ-*  
21       *mental document is required shall be vacated or otherwise*  
22       *limited, delayed, or enjoined unless a court concludes allow-*  
23       *ing such proposed action will pose a risk of an imminent*  
24       *and substantial environmental harm and there is no other*  
25       *equitable remedy available as a matter of law.*

1 **“SEC. 109. DEFINITIONS.**

2 *“In this title:*

3 *“(1) CATEGORICAL EXCLUSION.—The term ‘cat-*  
4 *egorical exclusion’ means a category of actions that a*  
5 *Federal agency has determined normally does not sig-*  
6 *nificantly affect the quality of the human environ-*  
7 *ment within the meaning of section 102(2)(C).*

8 *“(2) COOPERATING AGENCY.—The term ‘cooper-*  
9 *ating agency’ means any Federal, State, Tribal, or*  
10 *local agency that has been designated as a cooper-*  
11 *ating agency under section 107(a)(3).*

12 *“(3) COUNCIL.—The term ‘Council’ means the*  
13 *Council on Environmental Quality established in title*  
14 *II.*

15 *“(4) ENVIRONMENTAL ASSESSMENT.—The term*  
16 *‘environmental assessment’ means an environmental*  
17 *assessment prepared under section 106(b)(2).*

18 *“(5) ENVIRONMENTAL DOCUMENT.—The term*  
19 *‘environmental document’ means an environmental*  
20 *impact statement, an environmental assessment, or a*  
21 *finding of no significant impact.*

22 *“(6) ENVIRONMENTAL IMPACT STATEMENT.—The*  
23 *term ‘environmental impact statement’ means a de-*  
24 *tailed written statement that is required by section*  
25 *102(2)(C).*

1           “(7) *FINDING OF NO SIGNIFICANT IMPACT.*—*The*  
2           *term ‘finding of no significant impact’ means a deter-*  
3           *mination by a Federal agency that a proposed agency*  
4           *action does not require the issuance of an environ-*  
5           *mental impact statement.*

6           “(8) *INVOLVED FEDERAL AGENCY.*—*The term*  
7           *‘involved Federal agency’ means an agency that, with*  
8           *respect to a proposed agency action—*

9                   “(A) *proposed such action; or*

10                   “(B) *is involved in such action because such*  
11                   *action is directly related, through functional*  
12                   *interdependence or geographic proximity, to an*  
13                   *action such agency has taken or has proposed to*  
14                   *take.*

15           “(9) *LEAD AGENCY.*—

16                   “(A) *IN GENERAL.*—*Except as provided in*  
17                   *subparagraph (B), the term ‘lead agency’ means,*  
18                   *with respect to a proposed agency action—*

19                           “(i) *the agency that proposed such ac-*  
20                           *tion; or*

21                           “(ii) *if there are 2 or more involved*  
22                           *Federal agencies with respect to such action,*  
23                           *the agency designated under section*  
24                           *107(a)(1).*

1           “(B) *SPECIFICATION FOR MINERAL EXPLO-*  
2           *RATION OR MINE PERMITS.—With respect to a*  
3           *proposed mineral exploration or mine permit,*  
4           *the term ‘lead agency’ has the meaning given*  
5           *such term in section 40206(a) of the Infrastruc-*  
6           *ture Investment and Jobs Act.*

7           “(10) *MAJOR FEDERAL ACTION.—*

8           “(A) *IN GENERAL.—The term ‘major Fed-*  
9           *eral action’ means an action that the agency*  
10           *carrying out such action determines is subject to*  
11           *substantial Federal control and responsibility.*

12           “(B) *EXCLUSION.—The term ‘major Federal*  
13           *action’ does not include—*

14                   “(i) *a non-Federal action—*

15                           “(I) *with no or minimal Federal*  
16                           *funding;*

17                           “(II) *with no or minimal Federal*  
18                           *involvement where a Federal agency*  
19                           *cannot control the outcome of the*  
20                           *project; or*

21                           “(III) *that does not include Fed-*  
22                           *eral land;*

23                           “(ii) *funding assistance solely in the*  
24                           *form of general revenue sharing funds which*  
25                           *do not provide Federal agency compliance*

1            *or enforcement responsibility over the subse-*  
2            *quent use of such funds;*

3            *“(iii) loans, loan guarantees, or other*  
4            *forms of financial assistance where a Fed-*  
5            *eral agency does not exercise sufficient con-*  
6            *trol and responsibility over the effect of the*  
7            *action;*

8            *“(iv) farm ownership and operating*  
9            *loan guarantees by the Farm Service Agen-*  
10           *cy pursuant to sections 305 and 311*  
11           *through 319 of the Consolidated Farmers*  
12           *Home Administration Act of 1961 (7 U.S.C.*  
13           *1925 and 1941 through 1949);*

14           *“(v) business loan guarantees provided*  
15           *by the Small Business Administration pur-*  
16           *suant to section 7(a) or (b) and of the*  
17           *Small Business Act (15 U.S.C. 636(a)), or*  
18           *title V of the Small Business Investment Act*  
19           *of 1958 (15 U.S.C. 695 et seq.);*

20           *“(vi) bringing judicial or administra-*  
21           *tive civil or criminal enforcement actions;*  
22           *or*

23           *“(vii) extraterritorial activities or de-*  
24           *isions, which means agency activities or*

1           *decisions with effects located entirely outside*  
2           *of the jurisdiction of the United States.*

3           “(C) *ADDITIONAL EXCLUSIONS.*—*An agency*  
4           *action may not be determined to be a major Fed-*  
5           *eral action on the basis of—*

6                     “(i) *an interstate effect of the action or*  
7                     *related project; or*

8                     “(ii) *the provision of Federal funds for*  
9                     *the action or related project.*

10           “(11) *MINERAL EXPLORATION OR MINE PER-*  
11           *MIT.*—*The term ‘mineral exploration or mine permit’*  
12           *has the meaning given such term in section 40206(a)*  
13           *of the Infrastructure Investment and Jobs Act.*

14           “(12) *PROPOSAL.*—*The term ‘proposal’ means a*  
15           *proposed action at a stage when an agency has a*  
16           *goal, is actively preparing to make a decision on one*  
17           *or more alternative means of accomplishing that goal,*  
18           *and can meaningfully evaluate its effects.*

19           “(13) *REASONABLY FORESEEABLE.*—*The term*  
20           *‘reasonably foreseeable’ means likely to occur—*

21                     “(A) *not later than 10 years after the lead*  
22                     *agency begins preparing the environmental docu-*  
23                     *ment; and*

24                     “(B) *in an area directly affected by the pro-*  
25                     *posed agency action such that an individual of*

1           *ordinary prudence would take such occurrence*  
2           *into account in reaching a decision.*

3           “(14) *SPECIAL EXPERTISE.*—*The term ‘special*  
4           *expertise’ means statutory responsibility, agency mis-*  
5           *sion, or related program experience.”.*

6   **SEC. 203. CODIFICATION OF NATIONAL ENVIRONMENTAL**  
7           **POLICY ACT REGULATIONS.**

8           *The revisions to the Code of Federal Regulations made*  
9           *pursuant to the final rule of the Council on Environmental*  
10          *Quality titled “Update to the Regulations Implementing the*  
11          *Procedural Provisions of the National Environmental Pol-*  
12          *icy Act” and published on July 16, 2020 (85 Fed. Reg.*  
13          *43304), shall have the same force and effect of law as if*  
14          *enacted by an Act of Congress.*

15   **SEC. 204. NON-MAJOR FEDERAL ACTIONS.**

16          (a) *EXEMPTION.*—*An action by the Secretary con-*  
17          *cerned with respect to a covered activity shall be not consid-*  
18          *ered a major Federal action under section 102(2)(C) of the*  
19          *National Environmental Policy Act of 1969 (42 U.S.C.*  
20          *4332(2)(C)).*

21          (b) *COVERED ACTIVITY.*—*In this section, the term*  
22          *“covered activity” includes—*

23                  (1) *geotechnical investigations;*

24                  (2) *off-road travel in an existing right-of-way;*

1           (3) construction of meteorological towers where  
2           the total surface disturbance at the location is less  
3           than 5 acres;

4           (4) adding a battery or other energy storage de-  
5           vice to an existing or planned energy facility, if that  
6           storage resource is located within the physical foot-  
7           print of the existing or planned energy facility;

8           (5) drilling temperature gradient wells and other  
9           geothermal exploratory wells, including construction  
10          or making improvements for such activities, where—

11                 (A) the last cemented casing string is less  
12                 than 12 inches in diameter; and

13                 (B) the total unreclaimed surface disturb-  
14                 ance at any one time within the project area is  
15                 less than 5 acres;

16          (6) any repair, maintenance, upgrade, optimiza-  
17          tion, or minor addition to existing transmission and  
18          distribution infrastructure, including—

19                 (A) operation, maintenance, or repair of  
20                 power equipment and structures within existing  
21                 substations, switching stations, transmission,  
22                 and distribution lines;

23                 (B) the addition, modification, retirement,  
24                 or replacement of breakers, transmission towers,  
25                 transformers, bushings, or relays;

1           (C) the voltage uprating, modification,  
2           reconductoring with conventional or advanced  
3           conductors, and clearance resolution of trans-  
4           mission lines;

5           (D) activities to minimize fire risk, includ-  
6           ing vegetation management, routine fire mitiga-  
7           tion, inspection, and maintenance activities, and  
8           removal of hazard trees and other hazard vegeta-  
9           tion within or adjacent to an existing right-of-  
10          way;

11          (E) improvements to or construction of  
12          structure pads for such infrastructure; and

13          (F) access and access route maintenance  
14          and repairs associated with any activity de-  
15          scribed in subparagraph (A) through (E);

16          (7) approval of and activities conducted in ac-  
17          cordance with operating plans or agreements for  
18          transmission and distribution facilities or under a  
19          special use authorization for an electric transmission  
20          and distribution facility right-of-way; and

21          (8) construction, maintenance, realignment, or  
22          repair of an existing permanent or temporary access  
23          road—

1           (A) *within an existing right-of-way or with-*  
2           *in a transmission or utility corridor established*  
3           *by Congress or in a land use plan;*

4           (B) *that serves an existing transmission*  
5           *line, distribution line, or energy facility or*

6           (C) *activities conducted in accordance with*  
7           *existing onshore oil and gas leases.*

8   **SEC. 205. NO NET LOSS DETERMINATION FOR EXISTING**  
9           **RIGHTS-OF-WAY.**

10       (a) *IN GENERAL.*—*Upon a determination by the Sec-*  
11       *retary concerned that there will be no overall long-term net*  
12       *loss of vegetation, soil, or habitat, as defined by acreage and*  
13       *function, resulting from a proposed action, decision, or ac-*  
14       *tivity within an existing right-of-way, within a right-of-*  
15       *way corridor established in a land use plan, or in an other-*  
16       *wise designated right-of-way, that action, decision, or activ-*  
17       *ity shall not be considered a major Federal action under*  
18       *section 102(2)(C) of the National Environmental Policy Act*  
19       *of 1969 (42 U.S.C. 4332(2)(C)).*

20       (b) *INCLUSION OF REMEDIATION.*—*In making a deter-*  
21       *mination under subsection (a), the Secretary concerned*  
22       *shall consider the effect of any remediation work to be con-*  
23       *ducted during the lifetime of the action, decision, or activity*  
24       *when determining whether there will be any overall long-*  
25       *term net loss of vegetation, soil, or habitat.*

1 **SEC. 206. DETERMINATION OF NATIONAL ENVIRONMENTAL**  
2 **POLICY ACT ADEQUACY.**

3 *The Secretary concerned shall use previously completed*  
4 *environmental assessments and environmental impact*  
5 *statements to satisfy the requirements of section 102 of the*  
6 *National Environmental Policy Act of 1969 (42 U.S.C.*  
7 *4332) with respect to any major Federal action, if such Sec-*  
8 *retary determines that—*

9 (1) *the new proposed action is substantially the*  
10 *same as a previously analyzed proposed action or al-*  
11 *ternative analyzed in a previous environmental as-*  
12 *essment or environmental impact statement; and*

13 (2) *the effects of the proposed action are substan-*  
14 *tially the same as the effects analyzed in such existing*  
15 *environmental assessments or environmental impact*  
16 *statements.*

17 **SEC. 207. DETERMINATION REGARDING RIGHTS-OF-WAY.**

18 *Not later than 60 days after the Secretary concerned*  
19 *receives an application to grant a right-of-way, the Sec-*  
20 *retary concerned shall notify the applicant as to whether*  
21 *the application is complete or deficient. If the Secretary*  
22 *concerned determines the application is complete, the Sec-*  
23 *retary concerned may not consider any other application*  
24 *to grant a right-of-way on the same or any overlapping*  
25 *parcels of land while such application is pending.*

1 **SEC. 208. TERMS OF RIGHTS-OF-WAY.**

2 (a) *FIFTY YEAR TERMS FOR RIGHTS-OF-WAY.*—

3 (1) *IN GENERAL.*—*Any right-of-way for pipelines*  
4 *for the transportation or distribution of oil or gas*  
5 *granted, issued, amended, or renewed under Federal*  
6 *law may be limited to a term of not more than 50*  
7 *years before such right-of-way is subject to renewal or*  
8 *amendment.*

9 (2) *FEDERAL LAND POLICY AND MANAGEMENT*  
10 *ACT OF 1976.*—*Section 501 of the Federal Land Policy*  
11 *and Management Act of 1976 (43 U.S.C. 1761) is*  
12 *amended by adding at the end the following:*

13 “(e) *Any right-of-way granted, issued, amended, or re-*  
14 *newed under subsection (a)(4) may be limited to a term*  
15 *of not more than 50 years before such right-of-way is subject*  
16 *to renewal or amendment.*”.

17 (b) *MINERAL LEASING ACT.*—*Section 28(n) of the*  
18 *Mineral Leasing Act (30 U.S.C. 185(n)) is amended by*  
19 *striking “thirty” and inserting “50”.*

20 **SEC. 209. FUNDING TO PROCESS PERMITS AND DEVELOP**  
21 **INFORMATION TECHNOLOGY.**

22 (a) *IN GENERAL.*—*In fiscal years 2023 through 2025,*  
23 *the Secretary of Agriculture (acting through the Forest*  
24 *Service) and the Secretary of the Interior, after public no-*  
25 *tice, may accept and expend funds contributed by non-Fed-*  
26 *eral entities for dedicated staff, information resource man-*

1 *agement, and information technology system development*  
2 *to expedite the evaluation of permits, biological opinions,*  
3 *concurrence letters, environmental surveys and studies,*  
4 *processing of applications, consultations, and other activi-*  
5 *ties for the leasing, development, or expansion of an energy*  
6 *facility under the jurisdiction of the respective Secretaries.*

7       **(b) EFFECT ON PERMITTING.**—*In carrying out this*  
8 *section, the Secretary of the Interior shall ensure that the*  
9 *use of funds accepted under subsection (a) will not impact*  
10 *impartial decision making with respect to permits, either*  
11 *substantively or procedurally.*

12       **(c) STATEMENT FOR FAILURE TO ACCEPT OR EXPEND**  
13 **FUNDS.**—*Not later than 60 days after the end of the appli-*  
14 *cable fiscal year, if the Secretary of Agriculture (acting*  
15 *through the Forest Service) or the Secretary of the Interior*  
16 *does not accept funds contributed under subsection (a) or*  
17 *accepts but does not expend such funds, that Secretary shall*  
18 *submit to the Committee on Natural Resources of the House*  
19 *of Representatives and the Committee on Energy and Nat-*  
20 *ural Resources of the Senate a statement explaining why*  
21 *such funds were not accepted, were not expended, or both,*  
22 *as the case may be.*

1 **SEC. 210. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SUR-**  
2 **VEY LICENSING.**

3 *The Secretary of the Interior shall authorize geological*  
4 *and geophysical surveys related to oil and gas activities on*  
5 *the Gulf of Mexico Outer Continental Shelf, except within*  
6 *areas subject to existing oil and gas leasing moratoria. Such*  
7 *authorizations shall be issued within 30 days of receipt of*  
8 *a completed application and shall, as applicable to survey*  
9 *type, comply with the mitigation and monitoring measures*  
10 *in subsections (a), (b), (c), (d), (f), and (g) of section*  
11 *217.184 of title 50, Code of Federal Regulations (as in effect*  
12 *on January 1, 2022), and section 217.185 of title 50, Code*  
13 *of Federal Regulations (as in effect on January 1, 2022).*  
14 *Geological and geophysical surveys authorized pursuant to*  
15 *this section are deemed to be in full compliance with the*  
16 *Marine Mammal Protection Act of 1972 (16 U.S.C. 1361*  
17 *et seq.) and the Endangered Species Act of 1973 (16 U.S.C.*  
18 *1531 et seq.), and their implementing regulations.*

19 **SEC. 211. DEFERRAL OF APPLICATIONS FOR PERMITS TO**  
20 **DRILL.**

21 *Section 17(p)(3) of the Mineral Leasing Act (30 U.S.C.*  
22 *226(p)(3)) is amended by adding at the end the following:*

23 *“(D) DEFERRAL BASED ON FORMATTING*  
24 *ISSUES.—A decision on an application for a*  
25 *permit to drill may not be deferred under para-*  
26 *graph (2)(B) as a result of a formatting issue*

1           *with the permit, unless such formatting issue re-*  
2           *sults in missing information.”.*

3 **SEC. 212. PROCESSING AND TERMS OF APPLICATIONS FOR**  
4           **PERMITS TO DRILL.**

5           *(a) EFFECT OF PENDING CIVIL ACTIONS.—Section*  
6 *17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is*  
7 *amended by adding at the end the following:*

8           *“(4) EFFECT OF PENDING CIVIL ACTION ON*  
9           *PROCESSING APPLICATIONS FOR PERMITS TO*  
10           *DRILL.—Pursuant to the requirements of paragraph*  
11           *(2), notwithstanding the existence of any pending*  
12           *civil actions affecting the application or related lease,*  
13           *the Secretary shall process an application for a per-*  
14           *mit to drill or other authorizations or approvals*  
15           *under a valid existing lease, unless a United States*  
16           *Federal court vacated such lease. Nothing in this*  
17           *paragraph shall be construed as providing authority*  
18           *to a Federal court to vacate a lease.”.*

19           *(b) TERM OF PERMIT TO DRILL.—Section 17 of the*  
20 *Mineral Leasing Act (30 U.S.C. 226) is further amended*  
21 *by adding at the end the following:*

22           *“(u) TERM OF PERMIT TO DRILL.—A permit to drill*  
23 *issued under this section after the date of the enactment*  
24 *of this subsection shall be valid for one four-year term from*  
25 *the date that the permit is approved, or until the lease re-*

1 *garding which the permit is issued expires, whichever oc-*  
2 *curs first.”.*

3 **SEC. 213. AMENDMENTS TO THE ENERGY POLICY ACT OF**  
4 **2005.**

5 *Section 390 of the Energy Policy Act of 2005 (42*  
6 *U.S.C. 15942) is amended to read as follows:*

7 **“SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT RE-**  
8 **VIEW.**

9 *“(a) NATIONAL ENVIRONMENTAL POLICY ACT RE-*  
10 *VIEW.—Action by the Secretary of the Interior, in man-*  
11 *aging the public lands, or the Secretary of Agriculture, in*  
12 *managing National Forest System lands, with respect to*  
13 *any of the activities described in subsection (c), shall not*  
14 *be considered a major Federal action for the purposes of*  
15 *section 102(2)(C) of the National Environmental Policy Act*  
16 *of 1969, if the activity is conducted pursuant to the Mineral*  
17 *Leasing Act (30 U.S.C. 181 et seq.) for the purpose of explo-*  
18 *ration or development of oil or gas.*

19 *“(b) APPLICATION.—This section shall not apply to an*  
20 *action of the Secretary of the Interior or the Secretary of*  
21 *Agriculture on Indian lands or resources managed in trust*  
22 *for the benefit of Indian Tribes.*

23 *“(c) ACTIVITIES DESCRIBED.—The activities referred*  
24 *to in subsection (a) are as follows:*

1           “(1) Reinstating a lease pursuant to section 31  
2 of the Mineral Leasing Act (30 U.S.C. 188).

3           “(2) The following activities, provided that any  
4 new surface disturbance is contiguous with the foot-  
5 print of the original authorization and does not ex-  
6 ceed 20 acres or the acreage has previously been eval-  
7 uated in a document previously prepared under sec-  
8 tion 102(2)(C) of the National Environmental Policy  
9 Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to  
10 such activity:

11           “(A) Drilling an oil or gas well at a well  
12 pad site at which drilling has occurred pre-  
13 viously.

14           “(B) Expansion of an existing oil or gas  
15 well pad site to accommodate an additional well.

16           “(C) Expansion or modification of an exist-  
17 ing oil or gas well pad site, road, pipeline, facil-  
18 ity, or utility submitted in a sundry notice.

19           “(3) Drilling of an oil or gas well at a new well  
20 pad site, provided that the new surface disturbance  
21 does not exceed 20 acres and the acreage evaluated in  
22 a document previously prepared under section  
23 102(2)(C) of the National Environmental Policy Act  
24 of 1969 (42 U.S.C. 4332(2)(C)) with respect to such  
25 activity, whichever is greater.

1           “(4) Construction or realignment of a road,  
2 pipeline, or utility within an existing right-of-way or  
3 within a right-of-way corridor established in a land  
4 use plan.

5           “(5) The following activities when conducted  
6 from non-Federal surface into federally owned min-  
7 erals, provided that the operator submits to the Sec-  
8 retary concerned certification of a surface use agree-  
9 ment with the non-Federal landowner:

10           “(A) Drilling an oil or gas well at a well  
11 pad site at which drilling has occurred pre-  
12 viously.

13           “(B) Expansion of an existing oil or gas  
14 well pad site to accommodate an additional well.

15           “(C) Expansion or modification of an exist-  
16 ing oil or gas well pad site, road, pipeline, facil-  
17 ity, or utility submitted in a sundry notice.

18           “(6) Drilling of an oil or gas well from non-Fed-  
19 eral surface and non-Federal subsurface into Federal  
20 mineral estate.

21           “(7) Construction of up to 1 mile of new road  
22 on Federal or non-Federal surface, not to exceed 2  
23 miles in total.

1           “(8) Construction of up to 3 miles of individual  
2           pipelines or utilities, regardless of surface owner-  
3           ship.”.

4 **SEC. 214. ACCESS TO FEDERAL ENERGY RESOURCES FROM**  
5 **NON-FEDERAL SURFACE ESTATE.**

6           (a) OIL AND GAS PERMITS.—Section 17 of the Mineral  
7 Leasing Act (30 U.S.C. 226) is further amended by adding  
8 at the end the following:

9           “(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND  
10 GAS ACTIVITIES ON CERTAIN LAND.—

11           “(1) IN GENERAL.—The Secretary shall not re-  
12           quire an operator to obtain a Federal drilling permit  
13           for oil and gas exploration and production activities  
14           conducted on non-Federal surface estate, provided  
15           that—

16           “(A) the United States holds an ownership  
17           interest of less than 50 percent of the subsurface  
18           mineral estate to be accessed by the proposed ac-  
19           tion; and

20           “(B) the operator submits to the Secretary  
21           a State permit to conduct oil and gas explo-  
22           ration and production activities on the non-Fed-  
23           eral surface estate.

1           “(2) *NO FEDERAL ACTION.*—*An oil and gas ex-*  
2           *ploration and production activity carried out under*  
3           *paragraph (1)—*

4                   “(A) *shall not be considered a major Fed-*  
5                   *eral action for the purposes of section 102(2)(C)*  
6                   *of the National Environmental Policy Act of*  
7                   *1969;*

8                   “(B) *shall require no additional Federal ac-*  
9                   *tion;*

10                   “(C) *may commence 30 days after submis-*  
11                   *sion of the State permit to the Secretary; and*

12                   “(D) *shall not be subject to—*

13                           “(i) *section 306108 of title 54, United*  
14                           *States Code (commonly known as the Na-*  
15                           *tional Historic Preservation Act of 1966);*  
16                           *and*

17                           “(ii) *section 7 of the Endangered Spe-*  
18                           *cies Act of 1973 (16 U.S.C. 1536).*

19           “(3) *ROYALTIES AND PRODUCTION ACCOUNT-*  
20           *ABILITY.*—(A) *Nothing in this subsection shall affect*  
21           *the amount of royalties due to the United States*  
22           *under this Act from the production of oil and gas, or*  
23           *alter the Secretary’s authority to conduct audits and*  
24           *collect civil penalties pursuant to the Federal Oil and*

1       *Gas Royalty Management Act of 1982 (30 U.S.C.*  
2       *1701 et seq.).*

3               “(B) *The Secretary may conduct onsite reviews*  
4       *and inspections to ensure proper accountability,*  
5       *measurement, and reporting of production of Federal*  
6       *oil and gas, and payment of royalties.*

7               “(4) *EXCEPTIONS.—This subsection shall not*  
8       *apply to actions on Indian lands or resources man-*  
9       *aged in trust for the benefit of Indian Tribes.*

10              “(5) *INDIAN LAND.—In this subsection, the term*  
11       *‘Indian land’ means—*

12                      “(A) *any land located within the bound-*  
13       *aries of an Indian reservation, pueblo, or*  
14       *rancheria; and*

15                      “(B) *any land not located within the*  
16       *boundaries of an Indian reservation, pueblo, or*  
17       *rancheria, the title to which is held—*

18                              “(i) *in trust by the United States for*  
19       *the benefit of an Indian tribe or an indi-*  
20       *vidual Indian;*

21                              “(ii) *by an Indian tribe or an indi-*  
22       *vidual Indian, subject to restriction against*  
23       *alienation under laws of the United States;*  
24       *or*

1                   “(iii) by a dependent Indian commu-  
2                   nity.”.

3           (b) *GEOTHERMAL PERMITS.*—*The Geothermal Steam*  
4 *Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding*  
5 *at the end the following:*

6           **“SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEO-**  
7                   **THERMAL ACTIVITIES ON CERTAIN LAND.**

8           “(a) *IN GENERAL.*—*The Secretary shall not require an*  
9 *operator to obtain a Federal drilling permit for geothermal*  
10 *exploration and production activities conducted on a non-*  
11 *Federal surface estate, provided that—*

12                   “(1) *the United States holds an ownership inter-*  
13 *est of less than 50 percent of the subsurface geo-*  
14 *thermal estate to be accessed by the proposed action;*  
15 *and*

16                   “(2) *the operator submits to the Secretary a*  
17 *State permit to conduct geothermal exploration and*  
18 *production activities on the non-Federal surface es-*  
19 *tate.*

20           “(b) *NO FEDERAL ACTION.*—*A geothermal exploration*  
21 *and production activity carried out under paragraph (1)—*

22                   “(1) *shall not be considered a major Federal ac-*  
23 *tion for the purposes of section 102(2)(C) of the Na-*  
24 *tional Environmental Policy Act of 1969;*

25                   “(2) *shall require no additional Federal action;*

1           “(3) may commence 30 days after submission of  
2           the State permit to the Secretary; and

3           “(4) shall not be subject to—

4                   “(A) section 306108 of title 54, United  
5                   States Code (commonly known as the National  
6                   Historic Preservation Act of 1966); and

7                   “(B) section 7 of the Endangered Species  
8                   Act of 1973 (16 U.S.C. 1536).

9           “(c) ROYALTIES AND PRODUCTION ACCOUNT-  
10 ABILITY.—(1) Nothing in this section shall affect the  
11 amount of royalties due to the United States under this Act  
12 from the production of electricity using geothermal re-  
13 sources (other than direct use of geothermal resources) or  
14 the production of any byproducts.

15           “(2) The Secretary may conduct onsite reviews and in-  
16 spections to ensure proper accountability, measurement,  
17 and reporting of the production described in paragraph (1),  
18 and payment of royalties.

19           “(d) EXCEPTIONS.—This section shall not apply to ac-  
20 tions on Indian lands or resources managed in trust for  
21 the benefit of Indian Tribes.

22           “(e) INDIAN LAND.—In this section, the term ‘Indian  
23 land’ means—

24                   “(1) any land located within the boundaries of  
25                   an Indian reservation, pueblo, or rancheria; and

1           “(2) any land not located within the boundaries  
2 of an Indian reservation, pueblo, or rancheria, the  
3 title to which is held—

4           “(A) in trust by the United States for the  
5 benefit of an Indian tribe or an individual In-  
6 dian;

7           “(B) by an Indian tribe or an individual  
8 Indian, subject to restriction against alienation  
9 under laws of the United States; or

10           “(C) by a dependent Indian community.”.

11 **SEC. 215. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL**  
12 **AND GAS LEASES.**

13           *An environmental review for an oil and gas lease or*  
14 *permit prepared pursuant to the requirements of the Na-*  
15 *tional Environmental Policy Act of 1969 (42 U.S.C. 4321*  
16 *et seq.) and its implementing regulations—*

17           (1) *shall apply only to areas that are within or*  
18 *immediately adjacent to the lease plot or plots and*  
19 *that are directly affected by the proposed action; and*

20           (2) *shall not require consideration of down-*  
21 *stream, indirect effects of oil and gas consumption.*

22 **SEC. 216. EXPEDITING APPROVAL OF GATHERING LINES.**

23           *Section 11318(b)(1) of the Infrastructure Investment*  
24 *and Jobs Act (42 U.S.C. 15943(b)(1)) is amended by strik-*  
25 *ing “to be an action that is categorically excluded (as de-*

1 *fined in section 1508.1 of title 40, Code of Federal Regula-*  
2 *tions (as in effect on the date of enactment of this Act))”*  
3 *and inserting “to not be a major Federal action”.*

4 **SEC. 217. LEASE SALE LITIGATION.**

5 *Notwithstanding any other provision of law, any oil*  
6 *and gas lease sale held under section 17 of the Mineral Leas-*  
7 *ing Act (26 U.S.C. 226) or the Outer Continental Shelf*  
8 *Lands Act (43 U.S.C. 1331 et seq.) shall not be vacated*  
9 *and activities on leases awarded in the sale shall not be*  
10 *otherwise limited, delayed, or enjoined unless the court con-*  
11 *cludes allowing development of the challenged lease will pose*  
12 *a risk of an imminent and substantial environmental harm*  
13 *and there is no other equitable remedy available as a matter*  
14 *of law. No court, in response to an action brought pursuant*  
15 *to the National Environmental Policy Act of 1969 (42*  
16 *U.S.C. et seq.), may enjoin or issue any order preventing*  
17 *the award of leases to a bidder in a lease sale conducted*  
18 *pursuant to section 17 of the Mineral Leasing Act (26*  
19 *U.S.C. 226) or the Outer Continental Shelf Lands Act (43*  
20 *U.S.C. 1331 et seq.) if the Department of the Interior has*  
21 *previously opened bids for such leases or disclosed the high*  
22 *bidder for any tract that was included in such lease sale.*

23 **SEC. 218. LIMITATION ON CLAIMS.**

24 *(a) IN GENERAL.—Notwithstanding any other provi-*  
25 *sion of law, a claim arising under Federal law seeking judi-*

1 cial review of a permit, license, or approval issued by a  
2 Federal agency for a mineral project, energy facility, or en-  
3 ergy storage device shall be barred unless—

4 (1) the claim is filed within 120 days after pub-  
5 lication of a notice in the Federal Register announc-  
6 ing that the permit, license, or approval is final pur-  
7 suant to the law under which the agency action is  
8 taken, unless a shorter time is specified in the Federal  
9 law pursuant to which judicial review is allowed; and

10 (2) the claim is filed by a party that submitted  
11 a comment during the public comment period for such  
12 permit, license, or approval and such comment was  
13 sufficiently detailed to put the agency on notice of the  
14 issue upon which the party seeks judicial review.

15 (b) SAVINGS CLAUSE.—Nothing in this section shall  
16 create a right to judicial review or place any limit on filing  
17 a claim that a person has violated the terms of a permit,  
18 license, or approval.

19 (c) TRANSPORTATION PROJECTS.—Subsection (a) shall  
20 not apply to or supersede a claim subject to section  
21 139(l)(1) of title 23, United States Code.

22 (d) MINERAL PROJECT.—In this section, the term  
23 “mineral project” means a project—

24 (1) located on—

- 1           (A) a mining claim, millsite claim, or tun-  
2           nel site claim for any mineral;  
3           (B) lands open to mineral entry; or  
4           (C) a Federal mineral lease; and  
5           (2) for the purposes of exploring for or producing  
6           minerals.

7   **SEC. 219. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**  
8           **ON PERMITS TO DRILL.**

9           (a) *REPORT.*—Not later than 1 year after the date of  
10          enactment of this Act, the Comptroller General of the United  
11          States shall issue a report detailing—

12           (1) the approval timelines for applications for  
13           permits to drill issued by the Bureau of Land Man-  
14           agement from 2018 through 2022;

15           (2) the number of applications for permits to  
16           drill that were not issued within 30 days of receipt  
17           of a completed application; and

18           (3) the causes of delays resulting in applications  
19           for permits to drill pending beyond the 30 day dead-  
20           line required under section 17(p)(2) of the Mineral  
21           Leasing Act (30 U.S.C. 226(p)(2)).

22           (b) *RECOMMENDATIONS.*—The report issued under  
23          subsection (a) shall include recommendations with respect  
24          to—

1           (1) *actions the Bureau of Land Management can*  
2           *take to streamline the approval process for applica-*  
3           *tions for permits to drill to approve applications for*  
4           *permits to drill within 30 days of receipt of a com-*  
5           *pleted application;*

6           (2) *aspects of the Federal permitting process car-*  
7           *ried out by the Bureau of Land Management to issue*  
8           *applications for permits to drill that can be turned*  
9           *over to States to expedite approval of applications for*  
10          *permits to drill; and*

11          (3) *legislative actions that Congress must take to*  
12          *allow States to administer certain aspects of the Fed-*  
13          *eral permitting process described in paragraph (2).*

14 **SEC. 220. E-NEPA.**

15          (a) *PERMITTING PORTAL STUDY.*—*The Council on*  
16          *Environmental Quality shall conduct a study and submit*  
17          *a report to Congress within 1 year of the enactment of this*  
18          *Act on the potential to create an online permitting portal*  
19          *for permits that require review under section 102(2)(C) of*  
20          *the National Environmental Policy Act of 1969 (42 U.S.C.*  
21          *4332(2)(C)) that would—*

22                  (1) *allow applicants to—*

23                          (A) *submit required documents or materials*  
24                          *for their application in one unified portal;*

1           (B) upload additional documents as re-  
2           quired by the applicable agency; and

3           (C) track the progress of individual applica-  
4           tions;

5           (2) enhance interagency coordination in con-  
6           sultation by—

7           (A) allowing for comments in one unified  
8           portal;

9           (B) centralizing data necessary for reviews;  
10          and

11          (C) streamlining communications between  
12          other agencies and the applicant; and

13          (3) boost transparency in agency decision-  
14          making.

15          (b) *AUTHORIZATION OF APPROPRIATIONS.*—There is  
16          authorized to be appropriated \$500,000 for the Council of  
17          Environmental Quality to carry out the study directed by  
18          this section.

## 19           **TITLE III—PERMITTING FOR** 20           **MINING NEEDS**

### 21          **SEC. 301. DEFINITIONS.**

22          *In this title:*

23           (1) *BYPRODUCT.*—The term “byproduct” has the  
24           meaning given such term in section 7002(a) of the  
25           Energy Act of 2020 (30 U.S.C. 1606(a)).

1           (2) *INDIAN TRIBE.*—*The term “Indian Tribe”*  
2           *has the meaning given such term in section 4 of the*  
3           *Indian Self-Determination and Education Assistance*  
4           *Act (25 U.S.C. 5304).*

5           (3) *MINERAL.*—*The term “mineral” means any*  
6           *mineral of a kind that is locatable (including, but not*  
7           *limited to, such minerals located on “lands acquired*  
8           *by the United States”, as such term is defined in sec-*  
9           *tion 2 of the Mineral Leasing Act for Acquired*  
10          *Lands) under the Act of May 10, 1872 (Chapter 152;*  
11          *17 Stat. 91).*

12          (4) *SECRETARY.*—*Except as otherwise provided,*  
13          *the term “Secretary” means the Secretary of the Inte-*  
14          *rior.*

15          (5) *STATE.*—*The term “State” means—*  
16                 *(A) a State;*  
17                 *(B) the District of Columbia;*  
18                 *(C) the Commonwealth of Puerto Rico;*  
19                 *(D) Guam;*  
20                 *(E) American Samoa;*  
21                 *(F) the Commonwealth of the Northern*  
22                 *Mariana Islands; and*  
23                 *(G) the United States Virgin Islands.*

1 **SEC. 302. MINERALS SUPPLY CHAIN AND RELIABILITY.**

2 *Section 40206 of the Infrastructure Investment and*  
3 *Jobs Act (30 U.S.C. 1607) is amended—*

4 *(1) in the section heading, by striking “CRIT-*  
5 *ICAL MINERALS” and inserting “MINERALS”;*

6 *(2) by amending subsection (a) to read as fol-*  
7 *lows:*

8 *“(a) DEFINITIONS.—In this section:*

9 *“(1) LEAD AGENCY.—The term ‘lead agency’*  
10 *means the Federal agency with primary responsi-*  
11 *bility for issuing a mineral exploration or mine per-*  
12 *mit or lease for a mineral project.*

13 *“(2) MINERAL.—The term ‘mineral’ has the*  
14 *meaning given such term in section 301 of the TAPP*  
15 *American Resources Act.*

16 *“(3) MINERAL EXPLORATION OR MINE PERMIT.—*  
17 *The term ‘mineral exploration or mine permit’*  
18 *means—*

19 *“(A) an authorization of the Bureau of*  
20 *Land Management or the Forest Service, as ap-*  
21 *plicable, for exploration for minerals that re-*  
22 *quires analysis under the National Environ-*  
23 *mental Policy Act of 1969;*

24 *“(B) a plan of operations for a mineral*  
25 *project approved by the Bureau of Land Man-*  
26 *agement or the Forest Service; or*

1           “(C) any other Federal permit or authoriza-  
2           tion for a mineral project.

3           “(4) MINERAL PROJECT.—The term ‘mineral  
4           project’ means a project—

5           “(A) located on—

6           “(i) a mining claim, millsite claim, or  
7           tunnel site claim for any mineral;

8           “(ii) lands open to mineral entry; or

9           “(iii) a Federal mineral lease; and

10          “(B) for the purposes of exploring for or  
11          producing minerals.”.

12          (3) in subsection (b), by striking “critical” each  
13          place such term appears;

14          (4) in subsection (c)—

15           (A) by striking “critical mineral production  
16           on Federal land” and inserting “mineral  
17           projects”;

18           (B) by inserting “, and in accordance with  
19           subsection (h)” after “to the maximum extent  
20           practicable”;

21           (C) by striking “shall complete the” and in-  
22           serting “shall complete such”;

23           (D) in paragraph (1), by striking “critical  
24           mineral-related activities on Federal land” and  
25           inserting “mineral projects”;

1           (E) in paragraph (8), by striking the “and”  
2           at the end;

3           (F) in paragraph (9), by striking “proce-  
4           dures.” and inserting “procedures; and”; and

5           (G) by adding at the end the following:

6           “(10) deferring to and relying on baseline data,  
7           analyses, and reviews performed by State agencies  
8           with jurisdiction over the environmental or reclama-  
9           tion permits for the proposed mineral project.”;

10          (5) in subsection (d)—

11           (A) by striking “critical” each place such  
12           term appears; and

13           (B) in paragraph (3), by striking “mineral-  
14           related activities on Federal land” and inserting  
15           “mineral projects”;

16          (6) in subsection (e), by striking “critical”;

17          (7) in subsection (f), by striking “critical” each  
18          place such term appears;

19          (8) in subsection (g), by striking “critical” each  
20          place such term appears; and

21          (9) by adding at the end the following:

22          “(h) *OTHER REQUIREMENTS.*—

23           “(1) *MEMORANDUM OF AGREEMENT.*—For pur-  
24           poses of maximizing efficiency and effectiveness of the  
25           Federal permitting and review processes described

1        *under subsection (c), the lead agency in the Federal*  
2        *permitting and review processes of a mineral project*  
3        *shall (in consultation with any other Federal agency*  
4        *involved in such Federal permitting and review proc-*  
5        *esses, and upon request of the project applicant, an*  
6        *affected State government, local government, or an In-*  
7        *dian Tribe, or other entity such lead agency deter-*  
8        *mines appropriate) enter into a memorandum of*  
9        *agreement with a project applicant where requested*  
10       *by the applicant to carry out the activities described*  
11       *in subsection (c).*

12                *“(2) TIMELINES AND SCHEDULES FOR NEPA RE-*  
13        *VIEWS.—*

14                *“(A) EXTENSION.—A project applicant may*  
15        *enter into 1 or more agreements with a lead*  
16        *agency to extend the deadlines described in sub-*  
17        *paragraphs (A) and (B) of subsection (h)(1) of*  
18        *section 107 of title I of the National Environ-*  
19        *mental Policy Act of 1969 by, with respect to*  
20        *each such agreement, not more than 6 months.*

21                *“(B) ADJUSTMENT OF TIMELINES.—At the*  
22        *request of a project applicant, the lead agency*  
23        *and any other entity which is a signatory to a*  
24        *memorandum of agreement under paragraph (1)*  
25        *may, by unanimous agreement, adjust—*

1                   “(i) any deadlines described in sub-  
2                   paragraph (A); and

3                   “(ii) any deadlines extended under  
4                   subparagraph (B).

5                   “(3) *EFFECT ON PENDING APPLICATIONS.*—Upon  
6                   a written request by a project applicant, the require-  
7                   ments of this subsection shall apply to any applica-  
8                   tion for a mineral exploration or mine permit or  
9                   mineral lease that was submitted before the date of the  
10                  enactment of the TAPP American Resources Act.”.

11 **SEC. 303. FEDERAL REGISTER PROCESS IMPROVEMENT.**

12                  Section 7002(f) of the Energy Act of 2020 (30 U.S.C.  
13 1606(f)) is amended—

14                   (1) in paragraph (2), by striking “critical” both  
15                   places such term appears; and

16                   (2) by striking paragraph (4).

17 **SEC. 304. DESIGNATION OF MINING AS A COVERED SECTOR**  
18                   **FOR FEDERAL PERMITTING IMPROVEMENT**  
19                   **PURPOSES.**

20                  Section 41001(6)(A) of the FAST Act (42 U.S.C.  
21 4370m(6)(A)) is amended by inserting “mineral produc-  
22 tion,” before “or any other sector”.

1 **SEC. 305. TREATMENT OF ACTIONS UNDER PRESIDENTIAL**  
2 **DETERMINATION 2022–11 FOR FEDERAL PER-**  
3 **MITTING IMPROVEMENT PURPOSES.**

4 (a) *IN GENERAL.*—*Except as provided by subsection*  
5 *(c), an action described in subsection (b) shall be—*

6 (1) *treated as a covered project, as defined in*  
7 *section 41001(6) of the FAST Act (42 U.S.C.*  
8 *4370m(6)), without regard to the requirements of that*  
9 *section; and*

10 (2) *included in the Permitting Dashboard main-*  
11 *tained pursuant to section 41003(b) of that Act (42*  
12 *13 U.S.C. 4370m–2(b)).*

13 (b) *ACTIONS DESCRIBED.*—*An action described in this*  
14 *subsection is an action taken by the Secretary of Defense*  
15 *pursuant to Presidential Determination 2022–11 (87 Fed.*  
16 *Reg. 19775; relating to certain actions under section 303*  
17 *of the Defense Production Act of 1950) or the Presidential*  
18 *Memorandum of February 27, 2023, titled “Presidential*  
19 *Waiver of Statutory Requirements Pursuant to Section 303*  
20 *of the Defense Production Act of 1950, as amended, on De-*  
21 *partment of Defense Supply Chains Resilience” (88 Fed.*  
22 *Reg. 13015) to create, maintain, protect, expand, or restore*  
23 *sustainable and responsible domestic production capabili-*  
24 *ties through—*



1       (b) *INCLUSIONS.*—Notice submitted under subsection  
2 (a) shall include such information the Secretary concerned  
3 may require, including the information described in section  
4 3809.301 of title 43, Code of Federal Regulations (or any  
5 successor regulation).

6       (c) *REVIEW.*—Not later than 15 days after the Sec-  
7 retary concerned receives notice submitted under subsection  
8 (a), the Secretary concerned shall—

9           (1) review and determine completeness of the no-  
10 tice; and

11           (2) allow exploration activities to proceed if—

12               (A) the surface disturbance of such explo-  
13 ration activities on such public lands will not  
14 exceed 5 acres;

15               (B) the Secretary concerned determines that  
16 the notice is complete; and

17               (C) the operator provides financial assur-  
18 ance that the Secretary concerned determines is  
19 adequate.

20       (d) *DEFINITIONS.*—In this section:

21           (1) *EXPLORATION ACTIVITY.*—The term “explo-  
22 ration activity”—

23               (A) means creating surface disturbance  
24 greater than casual use that includes sampling,  
25 drilling, or developing surface or underground



1           *on public land, with or without the discovery of*  
2           *a valuable mineral deposit, if—*

3                     *“(i) such claimant makes a timely*  
4                     *payment of the location fee required by sec-*  
5                     *tion 10102 and the claim maintenance fee*  
6                     *required by subsection (a); or*

7                     *“(ii) in the case of a claimant who*  
8                     *qualifies for a waiver under subsection (d),*  
9                     *such claimant makes a timely payment of*  
10                    *the location fee and complies with the re-*  
11                    *quired assessment work under the general*  
12                    *mining laws.*

13                    *“(B) OPERATIONS DEFINED.—For the pur-*  
14                    *poses of this paragraph, the term ‘operations’*  
15                    *means—*

16                    *“(i) any activity or work carried out*  
17                    *in connection with prospecting, exploration,*  
18                    *processing, discovery and assessment, devel-*  
19                    *opment, or extraction with respect to a*  
20                    *locatable mineral;*

21                    *“(ii) the reclamation of any disturbed*  
22                    *areas; and*

23                    *“(iii) any other reasonably incident*  
24                    *uses, whether on a mining claim or not, in-*  
25                    *cluding the construction and maintenance*

1                   of facilities, roads, transmission lines, pipe-  
2                   lines, and any other necessary infrastruc-  
3                   ture or means of access on public land for  
4                   support facilities.

5                   “(2) *FULFILLMENT OF FEDERAL LAND POLICY*  
6                   *AND MANAGEMENT ACT.*—A claimant that fulfills the  
7                   requirements of this section and section 10102 shall  
8                   be deemed to satisfy the requirements of any provision  
9                   of the *Federal Land Policy and Management Act* that  
10                  requires the payment of fair market value to the  
11                  United States for use of public lands and resources re-  
12                  lating to use of such lands and resources authorized  
13                  by the general mining laws.

14                  “(3) *SAVINGS CLAUSE.*—Nothing in this sub-  
15                  section may be construed to diminish the rights of  
16                  entry, use, and occupancy, or any other right, of a  
17                  claimant under the general mining laws.”.

18 **SEC. 308. ENSURING CONSIDERATION OF URANIUM AS A**  
19                   **CRITICAL MINERAL.**

20                  “(a) *IN GENERAL.*—Section 7002(a)(3)(B)(i) of the *En-*  
21                  *ergy Act of 2020* (30 U.S.C. 1606(a)(3)(B)(i)) is amended  
22                  to read as follows:

23                                 “(i) oil, oil shale, coal, or natural  
24                                 gas;”.



1 *the mining laws or operation of the mineral leasing and*  
2 *mineral materials laws unless—*

3           (1) *a quantitative and qualitative geophysical*  
4 *and geological mineral resource assessment of the im-*  
5 *acted area has been completed during the 10-year*  
6 *period ending on the date of such withdrawal;*

7           (2) *the Secretary, in consultation with the Sec-*  
8 *retary of Commerce, the Secretary of Energy, and the*  
9 *Secretary of Defense, conducts an assessment of the*  
10 *economic, energy, strategic, and national security*  
11 *value of mineral deposits identified in such mineral*  
12 *resource assessment;*

13           (3) *the Secretary conducts an assessment of the*  
14 *reduction in future Federal revenues to the Treasury,*  
15 *States, the Land and Water Conservation Fund, the*  
16 *Historic Preservation Fund, and the National Parks*  
17 *and Public Land Legacy Restoration Fund resulting*  
18 *from the proposed mineral withdrawal;*

19           (4) *the Secretary, in consultation with the Sec-*  
20 *retary of Defense, conducts an assessment of military*  
21 *readiness and training activities in the proposed*  
22 *withdrawal area; and*

23           (5) *the Secretary submits a report to the Com-*  
24 *mittees on Natural Resources, Agriculture, Energy*  
25 *and Commerce, and Foreign Affairs of the House of*

1 *Representatives and the Committees on Energy and*  
2 *Natural Resources, Agriculture, and Foreign Affairs*  
3 *of the Senate, that includes the results of the assess-*  
4 *ments completed pursuant to this subsection.*

5 *(b) LAND USE PLANS.—Before a resource management*  
6 *plan under the Federal Land Policy and Management Act*  
7 *of 1976 (43 U.S.C. 1701 et seq.) or a forest management*  
8 *plan under the National Forest Management Act is updated*  
9 *or completed, the Secretary or Secretary of Agriculture, as*  
10 *applicable, in consultation with the Director of the United*  
11 *States Geological Survey, shall—*

12 *(1) review any quantitative and qualitative min-*  
13 *eral resource assessment that was completed or up-*  
14 *dated during the 10-year period ending on the date*  
15 *that the applicable land management agency pub-*  
16 *lishes a notice to prepare, revise, or amend a land use*  
17 *plan by the Director of the United States Geological*  
18 *Survey for the geographic area affected by the appli-*  
19 *cable management plan;*

20 *(2) the Secretary, in consultation with the Sec-*  
21 *retary of Commerce, the Secretary of Energy, and the*  
22 *Secretary of Defense, conducts an assessment of the*  
23 *economic, energy, strategic, and national security*  
24 *value of mineral deposits identified in such mineral*  
25 *resource assessment; and*

1           (3) *submit a report to the Committees on Nat-*  
2           *ural Resources, Agriculture, Energy and Commerce,*  
3           *and Foreign Affairs of the House of Representatives*  
4           *and the Committees on Energy and Natural Re-*  
5           *sources, Agriculture, and Foreign Affairs of the Sen-*  
6           *ate, that includes the results of the assessment com-*  
7           *pleted pursuant to this subsection.*

8           (c) *NEW INFORMATION.*—*The Secretary shall provide*  
9           *recommendations to the President on appropriate measures*  
10          *to reduce unnecessary impacts that a withdrawal of Federal*  
11          *lands or waters from entry under the mining laws or oper-*  
12          *ation of the mineral leasing and mineral materials laws*  
13          *may have on mineral exploration, development, and other*  
14          *mineral activities (including authorizing exploration and*  
15          *development of such mineral deposits) not later than 180*  
16          *days after the Secretary has notice that a resource assess-*  
17          *ment completed by the Director of the United States Geo-*  
18          *logical Survey, in coordination with the State geological*  
19          *surveys, determines that a previously undiscovered mineral*  
20          *deposit may be present in an area that has been withdrawn*  
21          *from entry under the mining laws or operation of the min-*  
22          *eral leasing and mineral materials laws pursuant to—*

23                 (1) *section 204 of the Federal Land Policy and*  
24                 *Management Act of 1976 (43 U.S.C. 1714), or*

25                 (2) *chapter 3203 of title 54, United States Code.*

1 **SEC. 402. PROHIBITIONS ON DELAY OF MINERAL DEVELOP-**  
2 **MENT OF CERTAIN FEDERAL LAND.**

3 (a) *PROHIBITIONS.*—Notwithstanding any other pro-  
4 vision of law, the President shall not carry out any action  
5 that would pause, restrict, or delay the process for or  
6 issuance of any of the following on Federal land, unless such  
7 lands are withdrawn from disposition under the mineral  
8 leasing laws, including by administrative withdrawal:

9 (1) *New oil and gas lease sales, oil and gas*  
10 *leases, drill permits, or associated approvals or au-*  
11 *thorizations of any kind associated with oil and gas*  
12 *leases.*

13 (2) *New coal leases (including leases by applica-*  
14 *tion in process, renewals, modifications, or expan-*  
15 *sions of existing leases), permits, approvals, or au-*  
16 *thorizations.*

17 (3) *New leases, claims, permits, approvals, or*  
18 *authorizations for development or exploration of min-*  
19 *erals.*

20 (b) *PROHIBITION ON RESCISSION OF LEASES, PER-*  
21 *MITS, OR CLAIMS.*—The President, the Secretary, or Sec-  
22 retary of Agriculture as applicable, may not rescind any  
23 existing lease, permit, or claim for the extraction and pro-  
24 duction of any mineral under the mining laws or mineral  
25 leasing and mineral materials laws on National Forest Sys-  
26 tem land or land under the jurisdiction of the Bureau of

1 *Land Management, unless specifically authorized by Fed-*  
2 *eral statute, or upon the lessee, permittee, or claimant's fail-*  
3 *ure to comply with any of the provisions of the applicable*  
4 *lease, permit, or claim.*

5 *(c) MINERAL DEFINED.—In subsection (a)(3), the term*  
6 *“mineral” means any mineral of a kind that is locatable*  
7 *(including such minerals located on “lands acquired by the*  
8 *United States”, as such term is defined in section 2 of the*  
9 *Mineral Leasing Act for Acquired Lands) under the Act of*  
10 *May 10, 1872 (Chapter 152; 17 Stat. 91).*

11 **SEC. 403. DEFINITIONS.**

12 *In this title:*

13 *(1) FEDERAL LAND.—The term “Federal land”*  
14 *means—*

15 *(A) National Forest System land;*

16 *(B) public lands (as defined in section 103*  
17 *of the Federal Land Policy and Management Act*  
18 *of 1976 (43 U.S.C. 1702));*

19 *(C) the outer Continental Shelf (as defined*  
20 *in section 2 of the Outer Continental Shelf*  
21 *Lands Act (43 U.S.C. 1331)); and*

22 *(D) land managed by the Secretary of En-*  
23 *ergy.*

24 *(2) PRESIDENT.—The term “President” means—*

25 *(A) the President; and*

1                   (B) any designee of the President, includ-  
2                   ing—

3                   (i) the Secretary of Agriculture;

4                   (ii) the Secretary of Commerce;

5                   (iii) the Secretary of Energy; and

6                   (iv) the Secretary of the Interior.

7                   (3) *PREVIOUSLY UNDISCOVERED DEPOSIT*.—The  
8                   term “previously undiscovered mineral deposit”  
9                   means—

10                   (A) a mineral deposit that has been pre-  
11                   viously evaluated by the United States Geological  
12                   Survey and found to be of low mineral potential,  
13                   but upon subsequent evaluation is determined by  
14                   the United States Geological Survey to have sig-  
15                   nificant mineral potential, or

16                   (B) a mineral deposit that has not pre-  
17                   viously been evaluated by the United States Geo-  
18                   logical Survey.

19                   (4) *SECRETARY*.—The term “Secretary” means  
20                   the Secretary of the Interior.

1 **TITLE V—ENSURING COMPETI-**  
2 **TIVENESS ON FEDERAL**  
3 **LANDS**

4 **SEC. 501. INCENTIVIZING DOMESTIC PRODUCTION.**

5 (a) *OFFSHORE OIL AND GAS ROYALTY RATE.*—Sec-  
6 *tion 8(a)(1) of the Outer Continental Shelf Lands Act (43*  
7 *U.S.C. 1337(a)(1)) is amended—*

8 (1) *in subparagraph (A), by striking “not less*  
9 *than 16<sup>2</sup>/<sub>3</sub> percent, but not more than 18<sup>3</sup>/<sub>4</sub> percent,*  
10 *during the 10-year period beginning on the date of*  
11 *enactment of the Act titled ‘An Act to provide for rec-*  
12 *onciliation pursuant to title II of S. Con. Res. 14’,*  
13 *and not less than 16<sup>2</sup>/<sub>3</sub> percent thereafter,” each place*  
14 *it appears and inserting “not less than 12.5 percent”;*

15 (2) *in subparagraph (C), by striking “not less*  
16 *than 16<sup>2</sup>/<sub>3</sub> percent, but not more than 18<sup>3</sup>/<sub>4</sub> percent,*  
17 *during the 10-year period beginning on the date of*  
18 *enactment of the Act titled ‘An Act to provide for rec-*  
19 *onciliation pursuant to title II of S. Con. Res. 14’,*  
20 *and not less than 16<sup>2</sup>/<sub>3</sub> percent thereafter,” each place*  
21 *it appears and inserting “not less than 12.5 percent”;*

22 (3) *in subparagraph (F), by striking “not less*  
23 *than 16<sup>2</sup>/<sub>3</sub> percent, but not more than 18<sup>3</sup>/<sub>4</sub> percent,*  
24 *during the 10-year period beginning on the date of*  
25 *enactment of the Act titled ‘An Act to provide for rec-*

1        *conciliation pursuant to title II of S. Con. Res. 14’,*  
 2        *and not less than 16<sup>2</sup>/<sub>3</sub> percent thereafter,” and in-*  
 3        *serting “not less than 12.5 percent”; and*

4            *(4) in subparagraph (H), by striking “not less*  
 5        *than 16<sup>2</sup>/<sub>3</sub> percent, but not more than 18<sup>3</sup>/<sub>4</sub> percent,*  
 6        *during the 10-year period beginning on the date of*  
 7        *enactment of the Act titled ‘An Act to provide for rec-*  
 8        *conciliation pursuant to title II of S. Con. Res. 14’,*  
 9        *and not less than 16<sup>2</sup>/<sub>3</sub> percent thereafter,” and in-*  
 10        *serting “not less than 12.5 percent”.*

11        *(b) MINERAL LEASING ACT.—*

12            *(1) ONSHORE OIL AND GAS ROYALTY RATES.—*

13            *(A) LEASE OF OIL AND GAS LAND.—Section*  
 14        *17 of the Mineral Leasing Act (30 U.S.C. 226)*  
 15        *is amended—*

16            *(i) in subsection (b)(1)(A)—*

17            *(I) by striking “not less than*  
 18        *16<sup>2</sup>/<sub>3</sub>” and inserting “not less than*  
 19        *12.5”; and*

20            *(II) by striking “or, in the case of*  
 21        *a lease issued during the 10-year pe-*  
 22        *riod beginning on the date of enact-*  
 23        *ment of the Act titled ‘An Act to pro-*  
 24        *vide for reconciliation pursuant to title*  
 25        *II of S. Con. Res. 14’, 16<sup>2</sup>/<sub>3</sub> percent in*

1                    *amount or value of the production re-*  
2                    *moved or sold from the lease”; and*

3                    *(ii) by striking “16<sup>2</sup>/<sub>3</sub> percent” each*  
4                    *place it appears and inserting “12.5 per-*  
5                    *cent”.*

6                    *(B) CONDITIONS FOR REINSTATEMENT.—*  
7                    *Section 31(e)(3) of the Mineral Leasing Act (30*  
8                    *U.S.C. 188(e)(3)) is amended by striking “20”*  
9                    *inserting “16<sup>2</sup>/<sub>3</sub>”.*

10                  *(2) OIL AND GAS MINIMUM BID.—Section 17(b)*  
11                  *of the Mineral Leasing Act (30 U.S.C. 226(b)) is*  
12                  *amended—*

13                    *(A) in paragraph (1)(B), by striking “\$10*  
14                    *per acre during the 10-year period beginning on*  
15                    *the date of enactment of the Act titled ‘An Act*  
16                    *to provide for reconciliation pursuant to title II*  
17                    *of S. Con. Res. 14’.” and inserting “\$2 per acre*  
18                    *for a period of 2 years from the date of the en-*  
19                    *actment of the Federal Onshore Oil and Gas*  
20                    *Leasing Reform Act of 1987.”; and*

21                    *(B) in paragraph (2)(C), by striking “\$10*  
22                    *per acre” and inserting “\$2 per acre”.*

23                    *(3) FOSSIL FUEL RENTAL RATES.—Section 17(d)*  
24                    *of the Mineral Leasing Act (30 U.S.C. 226(d)) is*  
25                    *amended to read as follows:*

1       “(d) All leases issued under this section, as amended  
 2 by the Federal Onshore Oil and Gas Leasing Reform Act  
 3 of 1987, shall be conditioned upon payment by the lessee  
 4 of a rental of not less than \$1.50 per acre per year for the  
 5 first through fifth years of the lease and not less than \$2  
 6 per acre per year for each year thereafter. A minimum roy-  
 7 alty in lieu of rental of not less than the rental which other-  
 8 wise would be required for that lease year shall be payable  
 9 at the expiration of each lease year beginning on or after  
 10 a discovery of oil or gas in paying quantities on the lands  
 11 leased.”.

12               (4) *EXPRESSION OF INTEREST FEE.*—Section 17  
 13 of the Mineral Leasing Act (30 U.S.C. 226) is further  
 14 amended by repealing subsection (q).

15               (5) *ELIMINATION OF NONCOMPETITIVE LEAS-*  
 16 *ING.*—Section 17 of the Mineral Leasing Act (30  
 17 U.S.C. 226) is further amended—

18                       (A) in subsection (b)—

19                               (i) in paragraph (1)(A)—

20                                       (I) in the first sentence, by strik-  
 21 ing “paragraph (2)” and inserting  
 22 “paragraphs (2) and (3)”; and

23                                       (II) by adding at the end “Lands  
 24 for which no bids are received or for  
 25 which the highest bid is less than the

1           *national minimum acceptable bid shall*  
2           *be offered promptly within 30 days for*  
3           *leasing under subsection (c) of this sec-*  
4           *tion and shall remain available for*  
5           *leasing for a period of 2 years after the*  
6           *competitive lease sale.”; and*

7           *(ii) by adding at the end the following:*

8           *“(3)(A) If the United States held a vested future*  
9           *interest in a mineral estate that, immediately prior*  
10          *to becoming a vested present interest, was subject to*  
11          *a lease under which oil or gas was being produced,*  
12          *or had a well capable of producing, in paying quan-*  
13          *tities at an annual average production volume per*  
14          *well per day of either not more than 15 barrels per*  
15          *day of oil or condensate, or not more than 60,000*  
16          *cubic feet of gas, the holder of the lease may elect to*  
17          *continue the lease as a noncompetitive lease under*  
18          *subsection (c)(1).*

19          *“(B) An election under this paragraph is effec-*  
20          *tive—*

21                 *“(i) in the case of an interest which vested*  
22                 *after January 1, 1990, and on or before October*  
23                 *24, 1992, if the election is made before the date*  
24                 *that is 1 year after October 24, 1992;*

1           “(ii) in the case of an interest which vests  
2           within 1 year after October 24, 1992, if the elec-  
3           tion is made before the date that is 2 years after  
4           October 24, 1992; and

5           “(iii) in any case other than those described  
6           in clause (i) or (ii), if the election is made prior  
7           to the interest becoming a vested present inter-  
8           est.”;

9           (B) by striking subsection (c) and inserting  
10          the following:

11          “(c) LANDS SUBJECT TO LEASING UNDER SUB-  
12          SECTION (B); FIRST QUALIFIED APPLICANT.—

13                 “(1) If the lands to be leased are not leased  
14                 under subsection (b)(1) of this section or are not sub-  
15                 ject to competitive leasing under subsection (b)(2) of  
16                 this section, the person first making application for  
17                 the lease who is qualified to hold a lease under this  
18                 chapter shall be entitled to a lease of such lands with-  
19                 out competitive bidding, upon payment of a non-re-  
20                 fundable application fee of at least \$75. A lease under  
21                 this subsection shall be conditioned upon the payment  
22                 of a royalty at a rate of 12.5 percent in amount or  
23                 value of the production removed or sold from the  
24                 lease. Leases shall be issued within 60 days of the

1       *date on which the Secretary identifies the first re-*  
2       *sponsible qualified applicant.*

3               “(2)(A) *Lands (i) which were posted for sale*  
4       *under subsection (b)(1) of this section but for which*  
5       *no bids were received or for which the highest bid was*  
6       *less than the national minimum acceptable bid and*  
7       *(ii) for which, at the end of the period referred to in*  
8       *subsection (b)(1) of this section no lease has been*  
9       *issued and no lease application is pending under*  
10       *paragraph (1) of this subsection, shall again be avail-*  
11       *able for leasing only in accordance with subsection*  
12       *(b)(1) of this section.*

13               “(B) *The land in any lease which is issued*  
14       *under paragraph (1) of this subsection or under sub-*  
15       *section (b)(1) of this section which lease terminates,*  
16       *expires, is cancelled or is relinquished shall again be*  
17       *available for leasing only in accordance with sub-*  
18       *section (b)(1) of this section.”; and*

19               (C) *by striking subsection (e) and inserting*  
20       *the following:*

21               “(e) *PRIMARY TERM.—Competitive and noncompeti-*  
22       *tive leases issued under this section shall be for a primary*  
23       *term of 10 years: Provided, however, That competitive leases*  
24       *issued in special tar sand areas shall also be for a primary*  
25       *term of 10 years. Each such lease shall continue so long*

1 *after its primary term as oil or gas is produced in paying*  
2 *quantities. Any lease issued under this section for land on*  
3 *which, or for which under an approved cooperative or unit*  
4 *plan of development or operation, actual drilling operations*  
5 *were commenced prior to the end of its primary term and*  
6 *are being diligently prosecuted at that time shall be ex-*  
7 *tended for two years and so long thereafter as oil or gas*  
8 *is produced in paying quantities.”.*

9           (6) *CONFORMING AMENDMENTS.—Section 31 of*  
10 *the Mineral Leasing Act (30 U.S.C. 188) is amend-*  
11 *ed—*

12                   (A) *in subsection (d)(1), by striking “sec-*  
13 *tion 17(b)” and inserting “subsection (b) or (c)*  
14 *of section 17 of this Act”;*

15                   (B) *in subsection (e)—*

16                           (i) *in paragraph (2)—*

17                                   (I) *insert “either” after “rentals*  
18 *and”;* and

19                                   (II) *insert “or the inclusion in a*  
20 *reinstated lease issued pursuant to the*  
21 *provisions of section 17(c) of this Act*  
22 *of a requirement that future rentals*  
23 *shall be at a rate not less than \$5 per*  
24 *acre per year, all” before “as deter-*  
25 *mined by the Secretary”;* and

1                   (ii) by amending paragraph (3) to  
2                   read as follows:

3                   “(3)(A) payment of back royalties and the inclu-  
4                   sion in a reinstated lease issued pursuant to the pro-  
5                   visions of section 17(b) of this Act of a requirement  
6                   for future royalties at a rate of not less than  $16\frac{2}{3}$   
7                   percent computed on a sliding scale based upon the  
8                   average production per well per day, at a rate which  
9                   shall be not less than 4 percentage points greater than  
10                  the competitive royalty schedule then in force and  
11                  used for royalty determination for competitive leases  
12                  issued pursuant to such section as determined by the  
13                  Secretary: Provided, That royalty on such reinstated  
14                  lease shall be paid on all production removed or sold  
15                  from such lease subsequent to the termination of the  
16                  original lease;

17                  “(B) payment of back royalties and inclusion in  
18                  a reinstated lease issued pursuant to the provisions of  
19                  section 17(c) of this Act of a requirement for future  
20                  royalties at a rate not less than  $16\frac{2}{3}$  percent: Pro-  
21                  vided, That royalty on such reinstated lease shall be  
22                  paid on all production removed or sold from such  
23                  lease subsequent to the cancellation or termination of  
24                  the original lease; and”.

25                  (C) in subsection (f)—

1           (i) in paragraph (1), strike “in the  
2           same manner as the original lease issued  
3           pursuant to section 17” and insert “as a  
4           competitive or a noncompetitive oil and gas  
5           lease in the same manner as the original  
6           lease issued pursuant to subsection (b) or  
7           (c) of section 17 of this Act”;

8           (ii) by redesignating paragraphs (2)  
9           and (3) as paragraph (3) and (4), respec-  
10          tively; and

11          (iii) by inserting after paragraph (1)  
12          the following:

13           “(2) Except as otherwise provided in this section,  
14          the issuance of a lease in lieu of an abandoned pat-  
15          ented oil placer mining claim shall be treated as a  
16          noncompetitive oil and gas lease issued pursuant to  
17          section 17(c) of this Act.”;

18          (D) in subsection (g), by striking “sub-  
19          section (d)” and inserting “subsections (d) and  
20          (f)”;

21          (E) by amending subsection (h) to read as  
22          follows:

23          “(h) ROYALTY REDUCTIONS.—

24           “(1) In acting on a petition to issue a non-  
25          competitive oil and gas lease, under subsection (f) of

1        *this section or in response to a request filed after*  
2        *issuance of such a lease, or both, the Secretary is au-*  
3        *thorized to reduce the royalty on such lease if in his*  
4        *judgment it is equitable to do so or the circumstances*  
5        *warrant such relief due to uneconomic or other cir-*  
6        *cumstances which could cause undue hardship or pre-*  
7        *mature termination of production.*

8            *“(2) In acting on a petition for reinstatement*  
9        *pursuant to subsection (d) of this section or in re-*  
10        *sponse to a request filed after reinstatement, or both,*  
11        *the Secretary is authorized to reduce the royalty in*  
12        *that reinstated lease on the entire leasehold or any*  
13        *tract or portion thereof segregated for royalty pur-*  
14        *poses if, in his judgment, there are uneconomic or*  
15        *other circumstances which could cause undue hard-*  
16        *ship or premature termination of production; or be-*  
17        *cause of any written action of the United States, its*  
18        *agents or employees, which preceded, and was a*  
19        *major consideration in, the lessee’s expenditure of*  
20        *funds to develop the property under the lease after the*  
21        *rent had become due and had not been paid; or if in*  
22        *the judgment of the Secretary it is equitable to do so*  
23        *for any reason.”.*

1                   (F) by redesignating subsections (f) through  
2                   (i) as subsections (g) through (j), respectively;  
3                   and

4                   (G) by inserting after subsection (e) the fol-  
5                   lowing:

6           “(f) *ISSUANCE OF NONCOMPETITIVE OIL AND GAS*  
7 *LEASE; CONDITIONS.*—Where an unpatented oil placer  
8 mining claim validly located prior to February 24, 1920,  
9 which has been or is currently producing or is capable of  
10 producing oil or gas, has been or is hereafter deemed conclu-  
11 sively abandoned for failure to file timely the required in-  
12 struments or copies of instruments required by section 1744  
13 of title 43, and it is shown to the satisfaction of the Sec-  
14 retary that such failure was inadvertent, justifiable, or not  
15 due to lack of reasonable diligence on the part of the owner,  
16 the Secretary may issue, for the lands covered by the aban-  
17 doned unpatented oil placer mining claim, a noncompeti-  
18 tive oil and gas lease, consistent with the provisions of sec-  
19 tion 17(e) of this Act, to be effective from the statutory date  
20 the claim was deemed conclusively abandoned. Issuance of  
21 such a lease shall be conditioned upon:

22                   “(1) a petition for issuance of a noncompetitive  
23 oil and gas lease, together with the required rental  
24 and royalty, including back rental and royalty accru-  
25 ing from the statutory date of abandonment of the oil

1        *placer mining claim, being filed with the Secretary-*  
2        *(A) with respect to any claim deemed conclusively*  
3        *abandoned on or before January 12, 1983, on or be-*  
4        *fore the one hundred and twentieth day after January*  
5        *12, 1983, or (B) with respect to any claim deemed*  
6        *conclusively abandoned after January 12, 1983, on or*  
7        *before the one hundred and twentieth day after final*  
8        *notification by the Secretary or a court of competent*  
9        *jurisdiction of the determination of the abandonment*  
10       *of the oil placer mining claim;*

11            *“(2) a valid lease not having been issued affect-*  
12        *ing any of the lands covered by the abandoned oil*  
13        *placer mining claim prior to the filing of such peti-*  
14        *tion: Provided, however, That after the filing of a pe-*  
15        *tition for issuance of a lease under this subsection, the*  
16        *Secretary shall not issue any new lease affecting any*  
17        *of the lands covered by such abandoned oil placer*  
18        *mining claim for a reasonable period, as determined*  
19        *in accordance with regulations issued by him;*

20            *“(3) a requirement in the lease for payment of*  
21        *rental, including back rentals accruing from the stat-*  
22        *utory date of abandonment of the oil placer mining*  
23        *claim, of not less than \$5 per acre per year;*

24            *“(4) a requirement in the lease for payment of*  
25        *royalty on production removed or sold from the oil*

1 *placer mining claim, including all royalty on produc-*  
 2 *tion made subsequent to the statutory date the claim*  
 3 *was deemed conclusively abandoned, of not less than*  
 4 *12½ percent; and*

5 *“(5) compliance with the notice and reimburse-*  
 6 *ment of costs provisions of paragraph (4) of sub-*  
 7 *section (e) but addressed to the petition covering the*  
 8 *conversion of an abandoned unpatented oil placer*  
 9 *mining claim to a noncompetitive oil and gas lease.”.*

10 **TITLE VI—ENERGY REVENUE**  
 11 **SHARING**

12 **SEC. 601. GULF OF MEXICO OUTER CONTINENTAL SHELF**  
 13 **REVENUE.**

14 *(a) DISTRIBUTION OF OUTER CONTINENTAL SHELF*  
 15 *REVENUE TO GULF PRODUCING STATES.—Section 105 of*  
 16 *the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C.*  
 17 *1331 note) is amended—*

18 *(1) in subsection (a)—*

19 *(A) in paragraph (1), by striking “50” and*  
 20 *inserting “37.5”; and*

21 *(B) in paragraph (2)—*

22 *(i) by striking “50” and inserting*  
 23 *“62.5”;*

24 *(ii) in subparagraph (A), by striking*  
 25 *“75” and inserting “80”; and*

1                   (iii) in subparagraph (B), by striking  
2                   “25” and inserting “20”; and

3                   (2) by striking subsection (f) and inserting the  
4                   following:

5                   “(f) *TREATMENT OF AMOUNTS.*—Amounts disbursed to  
6 a Gulf producing State under this section shall be treated  
7 as revenue sharing and not as a Federal award or grant  
8 for the purposes of part 200 of title 2, Code of Federal Regu-  
9 lations.”.

10                  (b) *EXEMPTION OF CERTAIN PAYMENTS FROM SE-*  
11 *QUESTRATION.*—

12                   (1) *IN GENERAL.*—Section 255(g)(1)(A) of the  
13 *Balanced Budget and Emergency Deficit Control Act*  
14 *of 1985 (2 U.S.C. 905(g)(1)(A))* is amended by insert-  
15 *ing after “Payments to Social Security Trust Funds*  
16 *(28–0404–0–1–651).” the following:*

17                   “*Payments to States pursuant to section*  
18 *105(a)(2)(A) of the Gulf of Mexico Energy Security*  
19 *Act of 2006 (Public Law 109–432; 43 U.S.C. 1331*  
20 *note) (014–5535–0–2–302).”.*

21                   (2) *APPLICABILITY.*—*The amendment made by*  
22 *this subsection shall apply to any sequestration order*  
23 *issued under the Balanced Budget and Emergency*  
24 *Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on*  
25 *or after the date of enactment of this Act.*

1 **SEC. 602. PARITY IN OFFSHORE WIND REVENUE SHARING.**

2       (a) *PAYMENTS AND REVENUES.*—Section 8(p)(2) of the  
3 *Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2))*  
4 *is amended—*

5           (1) *in subparagraph (A), by striking “(A) The*  
6 *Secretary” and inserting the following:*

7                   “(A) *IN GENERAL.*—Subject to subpara-  
8 *graphs (B) and (C), the Secretary”;*

9           (2) *in subparagraph (B), by striking “(B) The*  
10 *Secretary” and inserting the following:*

11                   “(B) *DISPOSITION OF REVENUES FOR*  
12 *PROJECTS LOCATED WITHIN 3 NAUTICAL MILES*  
13 *SEAWARD OF STATE SUBMERGED LAND.*—*The*  
14 *Secretary”;* and

15           (3) *by adding at the end the following:*

16                   “(C) *DISPOSITION OF REVENUES FOR OFF-*  
17 *SHORE WIND PROJECTS IN CERTAIN AREAS.*—

18                           “(i) *DEFINITIONS.*—*In this subpara-*  
19 *graph:*

20                                   “(I) *COVERED OFFSHORE WIND*  
21 *PROJECT.*—*The term ‘covered offshore*  
22 *wind project’ means a wind powered*  
23 *electric generation project in a wind*  
24 *energy area on the outer Continental*  
25 *Shelf that is not wholly or partially lo-*

1            *cated within an area subject to sub-*  
2            *paragraph (B).*

3            “(II) *ELIGIBLE STATE.*—*The term*  
4            *‘eligible State’ means a State a point*  
5            *on the coastline of which is located*  
6            *within 75 miles of the geographic cen-*  
7            *ter of a covered offshore wind project.*

8            “(III) *QUALIFIED OUTER CONTI-*  
9            *NENTAL SHELF REVENUES.*—*The term*  
10           *‘qualified outer Continental Shelf reve-*  
11           *nuces’ means all royalties, fees, rentals,*  
12           *bonuses, or other payments from cov-*  
13           *ered offshore wind projects carried out*  
14           *pursuant to this subsection on or after*  
15           *the date of enactment of this subpara-*  
16           *graph.*

17           “(ii) *REQUIREMENT.*—

18           “(I) *IN GENERAL.*—*The Secretary*  
19           *of the Treasury shall deposit—*

20                    “(aa) *12.5 percent of quali-*  
21                    *fied outer Continental Shelf reve-*  
22                    *nuces in the general fund of the*  
23                    *Treasury;*

24                    “(bb) *37.5 percent of quali-*  
25                    *fied outer Continental Shelf reve-*

1 *nuces in the North American Wet-*  
2 *lands Conservation Fund; and*

3 *“(cc) 50 percent of qualified*  
4 *outer Continental Shelf revenues*  
5 *in a special account in the Treas-*  
6 *ury from which the Secretary*  
7 *shall disburse to each eligible*  
8 *State an amount determined pur-*  
9 *suant to subclause (II).*

10 *“(II) ALLOCATION.—*

11 *“(aa) IN GENERAL.—Subject*  
12 *to item (bb), for each fiscal year*  
13 *beginning after the date of enact-*  
14 *ment of this subparagraph, the*  
15 *amount made available under*  
16 *subclause (I)(cc) shall be allocated*  
17 *to each eligible State in amounts*  
18 *(based on a formula established by*  
19 *the Secretary by regulation) that*  
20 *are inversely proportional to the*  
21 *respective distances between the*  
22 *point on the coastline of each eli-*  
23 *gible State that is closest to the*  
24 *geographic center of the applicable*

1                    *leased tract and the geographic*  
2                    *center of the leased tract.*

3                    “(bb) *MINIMUM ALLOCA-*  
4                    *TION.—The amount allocated to*  
5                    *an eligible State each fiscal year*  
6                    *under item (aa) shall be at least*  
7                    *10 percent of the amounts made*  
8                    *available under subclause (I)(cc).*

9                    “(cc) *PAYMENTS TO COASTAL*  
10                    *POLITICAL SUBDIVISIONS.—*

11                    “(AA) *IN GENERAL.—*  
12                    *The Secretary shall pay 20*  
13                    *percent of the allocable share*  
14                    *of each eligible State, as de-*  
15                    *termined pursuant to item*  
16                    *(aa), to the coastal political*  
17                    *subdivisions of the eligible*  
18                    *State.*

19                    “(BB) *ALLOCATION.—*  
20                    *The amount paid by the Sec-*  
21                    *retary to coastal political*  
22                    *subdivisions under subitem*  
23                    *(AA) shall be allocated to*  
24                    *each coastal political subdivi-*  
25                    *sion in accordance with sub-*

1 paragraphs (B) and (C) of  
2 section 31(b)(4) of this Act.

3 “(iii) *TIMING.*—The amounts required  
4 to be deposited under subclause (I) of clause  
5 (ii) for the applicable fiscal year shall be  
6 made available in accordance with such  
7 subclause during the fiscal year imme-  
8 diately following the applicable fiscal year.

9 “(iv) *AUTHORIZED USES.*—

10 “(I) *IN GENERAL.*—Subject to  
11 subclause (II), each eligible State shall  
12 use all amounts received under clause  
13 (ii)(II) in accordance with all applica-  
14 ble Federal and State laws, only for 1  
15 or more of the following purposes:

16 “(aa) *Projects and activities*  
17 *for the purposes of coastal protec-*  
18 *tion and resiliency, including con-*  
19 *servation, coastal restoration, es-*  
20 *tuary management, beach nour-*  
21 *ishment, hurricane and flood pro-*  
22 *tection, and infrastructure di-*  
23 *rectly affected by coastal wetland*  
24 *losses.*

1           “(bb) *Mitigation of damage*  
2           *to fish, wildlife, or natural re-*  
3           *sources, including through fish-*  
4           *eries science and research.*

5           “(cc) *Implementation of a*  
6           *federally approved marine, coast-*  
7           *al, or comprehensive conservation*  
8           *management plan.*

9           “(dd) *Mitigation of the im-*  
10           *act of outer Continental Shelf*  
11           *activities through the funding of*  
12           *onshore infrastructure projects.*

13           “(ee) *Planning assistance*  
14           *and the administrative costs of*  
15           *complying with this section.*

16           “(ff) *Infrastructure improve-*  
17           *ments at ports, including modi-*  
18           *fications to Federal navigation*  
19           *channels, to support installation*  
20           *of offshore wind energy projects.*

21           “(II) *LIMITATION.—Of the*  
22           *amounts received by an eligible State*  
23           *under clause (ii)(II), not more than 3*  
24           *percent shall be used for the purposes*  
25           *described in subclause (I)(ee).*

1           “(v) *ADMINISTRATION.*—Subject to  
2           *clause (vi)(III), amounts made available*  
3           *under items (aa) and (cc) of clause (i)(I)*  
4           *shall—*

5                     “(I) *be made available, without*  
6                     *further appropriation, in accordance*  
7                     *with this subparagraph;*

8                     “(II) *remain available until ex-*  
9                     *pended; and*

10                    “(III) *be in addition to any*  
11                    *amount appropriated under any other*  
12                    *Act.*

13           “(vi) *REPORTING REQUIREMENT.*—

14                    “(I) *IN GENERAL.*—Not later than  
15                    *180 days after the end of each fiscal*  
16                    *year, the Governor of each eligible*  
17                    *State that receives amounts under*  
18                    *clause (i)(II) for the applicable fiscal*  
19                    *year shall submit to the Secretary a re-*  
20                    *port that describes the use of the*  
21                    *amounts by the eligible State during*  
22                    *the period covered by the report.*

23                    “(II) *PUBLIC AVAILABILITY.*—On  
24                    *receipt of a report submitted under*  
25                    *subclause (I), the Secretary shall make*

1           *the report available to the public on*  
2           *the website of the Department of the*  
3           *Interior.*

4                   “(III) *LIMITATION.*—*If the Gov-*  
5                   *ernor of an eligible State that receives*  
6                   *amounts under clause (i)(II) fails to*  
7                   *submit the report required under sub-*  
8                   *clause (I) by the deadline specified in*  
9                   *that subclause, any amounts that*  
10                  *would otherwise be provided to the eli-*  
11                  *gible State under clause (i)(II) for the*  
12                  *succeeding fiscal year shall be depos-*  
13                  *ited in the Treasury.*

14                   “(vii) *TREATMENT OF AMOUNTS.*—  
15                   *Amounts disbursed to an eligible State*  
16                   *under this subsection shall be treated as rev-*  
17                   *enue sharing and not as a Federal award or*  
18                   *grant for the purposes of part 200 of title*  
19                   *2, Code of Federal Regulations.”.*

20           (b) *WIND LEASE SALES FOR AREAS OF THE OUTER*  
21           *CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE*  
22           *UNITED STATES.*—*Section 33 of the Outer Continental*  
23           *Shelf Lands Act (43 U.S.C. 1356c) is amended by adding*  
24           *at the end the following:*

1       “(b) *WIND LEASE SALE PROCEDURE.*—Any wind  
2 lease granted pursuant to this section shall be considered  
3 a wind lease granted under section 8(p), including for pur-  
4 poses of the disposition of revenues pursuant to subpara-  
5 graphs (B) and (C) of section 8(p)(2).”.

6       (c) *EXEMPTION OF CERTAIN PAYMENTS FROM SE-*  
7 *QUESTRATION.*—

8           (1) *IN GENERAL.*—Section 255(g)(1)(A) of the  
9 *Balanced Budget and Emergency Deficit Control Act*  
10 *of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by insert-*  
11 *ing after “Payments to Social Security Trust Funds*  
12 *(28–0404–0–1–651).” the following:*

13           “*Payments to States pursuant to subparagraph*  
14 *(C)(ii)(I)(cc) of section 8(p)(2) of the Outer Conti-*  
15 *ental Shelf Lands Act (43 U.S.C. 1337(p)(2)).”.*

16           (2) *APPLICABILITY.*—The amendment made by  
17 this subsection shall apply to any sequestration order  
18 issued under the *Balanced Budget and Emergency*  
19 *Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on*  
20 *or after the date of enactment of this Act.*

21 **SEC. 603. ELIMINATION OF ADMINISTRATIVE FEE UNDER**  
22 **THE MINERAL LEASING ACT.**

23       (a) *IN GENERAL.*—Section 35 of the *Mineral Leasing*  
24 *Act (30 U.S.C. 191) is amended—*

1           (1) *in subsection (a), in the first sentence, by*  
2 *striking “and, subject to the provisions of subsection*  
3 *(b),”;*

4           (2) *by striking subsection (b);*

5           (3) *by redesignating subsections (c) and (d) as*  
6 *subsections (b) and (c), respectively;*

7           (4) *in paragraph (3)(B)(ii) of subsection (b) (as*  
8 *so redesignated), by striking “subsection (d)” and in-*  
9 *serting “subsection (c)”;* and

10          (5) *in paragraph (3)(A)(ii) of subsection (c) (as*  
11 *so redesignated), by striking “subsection (c)(2)(B)”*  
12 *and inserting “subsection (b)(2)(B)”.*

13       (b) *CONFORMING AMENDMENTS.—*

14           (1) *Section 6(a) of the Mineral Leasing Act for*  
15 *Acquired Lands (30 U.S.C. 355(a)) is amended—*

16               (A) *in the first sentence, by striking “Sub-*  
17 *ject to the provisions of section 35(b) of the Min-*  
18 *eral Leasing Act (30 U.S.C. 191(b)), all” and in-*  
19 *serting “All”;* and

20               (B) *in the second sentence, by striking “of*  
21 *the Act of February 25, 1920 (41 Stat. 450; 30*  
22 *U.S.C. 191),” and inserting “of the Mineral*  
23 *Leasing Act (30 U.S.C. 191)”.*

24           (2) *Section 20(a) of the Geothermal Steam Act*  
25 *of 1970 (30 U.S.C. 1019(a)) is amended, in the sec-*

1        *ond sentence of the matter preceding paragraph (1),*  
2        *by striking “the provisions of subsection (b) of section*  
3        *35 of the Mineral Leasing Act (30 U.S.C. 191(b)) and*  
4        *section 5(a)(2) of this Act” and inserting “section*  
5        *5(a)(2)”.*

6                *(3) Section 205(f) of the Federal Oil and Gas*  
7        *Royalty Management Act of 1982 (30 U.S.C. 1735(f))*  
8        *is amended—*

9                        *(A) in the first sentence, by striking “this*  
10                        *Section” and inserting “this section”; and*

11                        *(B) by striking the fourth, fifth, and sixth*  
12                        *sentences.*

Union Calendar No. 18

118<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1335**

[Report No. 118-28, Part I]

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**A BILL**

To restart onshore and offshore oil, gas, and coal leasing, streamline permitting for energy infrastructure, ensure transparency in energy development on Federal lands, and for other purposes.

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MARCH 23, 2023

Reported with an amendment

MARCH 23, 2023

Committees on Agriculture and the Budget discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed